PLANNING APPLICATIONS COMMITTEE

Wednesday, 20th March, 2024

10.00 am

Council Chamber

AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 20th March, 2024, at 10.00 am
Council Chamber

Ask for: **Emily Kennedy**
Telephone: **03000419625**

Membership

Conservative:	Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr O Richardson and Mr C Simkins
Labour:	Ms J Meade
Liberal Democrat:	Mr I S Chittenden
Green and Independent:	Mr P Harman

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes of the meeting on 13 December 2023 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Revised and Updated Validation Requirements for Planning Applications (Pages 5 - 134)

C. MINERALS AND WASTE APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 135 - 136)

2. County Council developments (Pages 137 - 140)

3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 141 - 142)

4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 143 - 144)

F. KCC RESPONSE TO CONSULTATIONS

1. Consultation on planning application PA/2022/2772 - Proposed development at Land south of Asda, Kimberley Way, Ashford (Pages 147 - 152)

2. Sevenoaks Local Plan Regulation 18 (Part 2) Consultation (Pages 153 - 166)

3. Consultation on the Aldington & Bonnington Neighbourhood Plan (Pages 167 - 176)

4. Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan (Pages 177 - 196)

5. Consultation on the Maidstone Borough Council Technical Documents in respect of the Local Plan Review (Pages 197 - 432)

6. Consultation on planning application GB/20221064 – Proposed development at Land surrounding Ebbsfleet United Football Club, bounded by Lower Road, Railway Line, Grove Road and the River Thames, Northfleet, Gravesend (Pages 433 - 440)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 12 March 2024

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber on Wednesday, 13 December 2023.

PRESENT: Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Peter Harman, Mrs S Hudson, Ms J Meade, Mr O Richardson and Mr C Simkins

UNRESTRICTED ITEMS

1. Apologies

Apologies were received from Mr Chittenden.

2. Minutes
(Item A3)

RESOLVED that the minutes of the meeting held on 27 September 2023 were correctly recorded and that they be signed by the Chairman

3. Site Meetings and Other Meetings
(Item A4)

Members of the committee were to receive a briefing in relation to The Levelling Up and Regeneration Act 2023 following the conclusion of the meeting's business.

4. General Matters
(Item B1)

There were no general matters to be presented to the committee.

5. D1 - KCC/FH/0097 - FH/23/1290 - Renewal of the temporary permission for the 'Sharman Block' modular building for a further five years Birchwood PRU, Bowen Road, Folkestone, Kent CT19 4FP
(Item D1)

1) Mary Green, Principal Planning Officer outlined the report.

2) Further to debate, it was proposed by the Vice Chairman and seconded by Miss Carey:

That the officer's recommendation be adopted, namely:

PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

> *1) The Sharman Block shall be removed from the site on or before the 31st December 2028 and the land reinstated to its former use as part of the*

secondary school grounds, in accordance with details to be submitted to and approved in writing by the County Planning Authority;

2) The development to be carried out in accordance with the permitted details.

Informatives

1) The Planning Applications Committee whilst recognising the need for the development raises concern that the applicant is seeking a further temporary extension and advises that the applicant be strongly encouraged to find a permanent solution to provide pupil referral facilities to meet the needs of the Folkestone and Hythe area.

3) Upon being put to the vote, the motion was declared CARRIED.

6. E1 - County matter applications
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 27 September 2023 relating to:

E1 County matter applications.

7. E2 - County Council developments
(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 27 September 2023 relating to:

E2 County Council developments.

8. E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
(Item E3)

RESOLVED to note matters dealt with under delegated powers since the meeting on 27 September 2023 relating to:

E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

9. E4 - Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
(Item E4)

RESOLVED to note matters dealt with under delegated powers since the meeting on 27 September 2023 relating to:

Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

10. F1 - Consultation on the proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making
(Item F1)

RESOLVED to note Kent County Council's response to: Consultation on the proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making.

11. F2 - Consultation on planning application EDC/22/0168 - Ebbsfleet Central East, land adjacent To Ebbsfleet International Railway Station, Thames Way, Ebbsfleet
(Item F2)

RESOLVED to note Kent County Council's response to: Consultation on planning application EDC/22/0168 - Ebbsfleet Central East, land adjacent To Ebbsfleet International Railway Station, Thames Way, Ebbsfleet.

12. F3 - Consultation on planning application 2022/1064 - Proposed development at Land Surrounding Ebbsfleet United Football Club
(Item F3)

RESOLVED to note Kent County Council's response to: Consultation on planning application 2022/1064 - Proposed development at Land Surrounding Ebbsfleet United Football Club

13. F4 - Consultation on the Maidstone Local Plan Review Main Modifications
(Item F4)

RESOLVED to note Kent County Council's response to: Consultation on the Maidstone Local Plan Review Main Modifications.

14. F5 - Consultation on the Medway Local Plan
(Item F5)

RESOLVED to note Kent County Council's response to: Consultation on the Medway Local Plan.

15. F6 - Consultation on the Capel Neighbourhood Plan
(Item F6)

RESOLVED to note Kent County Council's response to: Consultation on the Capel Neighbourhood Plan

16. F7 - Consultation on the Faversham Neighbourhood Plan
(Item F7)

RESOLVED to note Kent County Council's response to: Consultation on the Faversham Neighbourhood Plan.

17. F8 - Consultation on the Tenterden Local Plan
(Item F8)

RESOLVED to note Kent County Council's response to: Consultation on the Tenterden Local Plan.

Item B1

Proposed revision to guidance and validation requirements for planning applications determined by the County Council

A report by Head of Planning Applications Group to Planning Applications Committee on 20th March 2024

To advise and seek Members views on updated Guidance and Validation of Planning Application requirements, including the County Council's local information requirements and to seek authority for public consultation before adoption.

Recommendation: Subject to comments of this Committee, Members to note the proposed revision and updates to the Guidance and Validation Requirements for County Council Community Development (Regulation 3 Development) and for Minerals & Waste planning applications and authorise the necessary public consultation on the contents.

In addition, to delegate to the Head of Planning Applications, in consultation with the Chairman of the Planning Applications Committee, the making of any reasonable changes to the documents to address views received following stakeholder consultation and delegate to the Head of Planning Applications, the more regular updating of the documents to ensure that they continue to comply with current government and development plan policy and associated technical and best practice guidance, so as to ensure they remain technically up to date in between formal reviews.

Unrestricted

Introduction

1. This report sets out proposed changes to the Council's validation requirements for the determination of planning applications submitted to the County Council. Validation is an early and key part of the planning application process and determines whether an application is accepted by the planning authority for determination. It is the process by which the planning authority decides whether it has sufficient and correct information with which to commence the processing of a planning application.

2. Planning authorities are required pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 to have validation documents in place to streamline the planning application process by providing guidance to potential applicants on the necessary information to accompany planning applications. Validation documents seek to:

- assist applicants and agents in ensuring greater clarity and certainty about the type and extent of information required as part of their application;
- ensure applications are valid and include all the relevant documentation when submitted so that Committee Members and officers have timely and relevant information to enable consideration of planning applications;
- improve efficiency in the decision-making process by reducing the need to request additional information from the applicant;
- ensure greater consistency in registering and validating applications submitted to the County Planning Authority; and.
- provide improvement in the quality and consistency of the information available to Planning Authorities.

3. To minimise uncertainty for planning applicants and potential delays in the processing of applications, all planning authorities are required to consider applications against national validation criteria and information set out in its local validation list. As a minimum, for an application to be accepted as valid, it must meet the national information requirements which comprise the following: - completed application form - correct application fee - ownership certificate - agricultural holdings certificate - Design and Access Statement (where applicable) - site location plan - other plans and drawings necessary to describe the application - Environmental Statement (where applicable) and Biodiversity Net Gain (BNG) requirements. In addition, valid applications are required to meet the requirements of any adopted local information list, which in Kent includes a wide range of topics to address the issues typically raised during the planning process. Failure to supply the above information results in the application being declared invalid, and the application is not progressed. Planning authorities are unable to treat applications as invalid if they meet the statutory national information requirements or the requirements set out in the adopted local information list.

4. As well as setting out the national list of statutory information requirements, government guidance makes provision for each planning authority to agree its own local list of further information requirements to reflect the particular local circumstances and planning policy requirements operating in their area. In preparing the list of information requirements (which are included within the validation documents), the National Planning Policy Framework (NPPF) (2023) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application. In revising local list

requirements, planning authorities need to consider the following principles:

- necessity – driven by statutory requirements, adopted policies or published guidance
- precision – clarity over which types of development require such information
- proportionate and reasonable having regard to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

Current Validation Documents and Local Information Requirements

5. The County Planning Authority's current version of the Validation of Planning Applications documents were substantially prepared in 2010 and have performed well in providing advice and guidance to applicants. Whilst they have been informally reviewed as fit for purpose on a regular basis, a significant review has not taken place. Minor changes were permitted under delegated powers, with the need to seek Committee agreement for significant changes, including a change in format.

6. There are currently separate documents for County Council development (Regulation 3 community projects) and for waste development. There is no bespoke mineral document with potential applicants and agents referred to the waste document as an example of the level of detail and range of information that is expected. Each validation document provides an introductory section including why such information is needed, common reasons why applications are invalid and explains the validation process. It then sets out the information requirements at a national and local level, and provides links to further information including a discretionary Validation Checklist. The local validation requirements are set out in tabular form, covering a wide range of topics. For each topic, it sets out the policy drivers, the applications within scope, locational criteria and item content and links to further information.

Proposed Validation Documents and Local Information Requirements

7. Given changes in planning legislation, particularly the recent introduction of Biodiversity Net Gain requirements, and the proposed reforms regarding the performance of planning authorities, it is timely to formally review the validation and local information requirements to ensure that they are fit for purpose. With an emphasis on timely and swift decision making and an

expected shift away from the use of agreed 'extensions of time requests' with applicants, it is particularly important that the Planning Authority provides clear guidance as to the type and level of information that is necessary to accompany a planning application upon submission. In practice, the expected reduced ability to agree an 'extension of time' with an applicant will mean that there will be limited time and opportunity to resolve matters raised during the planning application process. This will also mean that there will be limited opportunity for additional information to be sought during the planning process if we are to meet expected timescales for determination. To ensure efficient processing of applications in the future, the Planning Authority will want to be satisfied that all necessary information is available at the start of the planning application process and before the commencement of the statutory time period for determination.

8. The proposed validation documents, which include the County Council's local information requirements have therefore been redrafted based upon legislative requirements, new policy drivers and experience of existing casework, common questions and issues and matters raised during the planning process.

9. Two new documents are proposed – one for County Council Community Development (Regulation 3 Development) and a second setting out the requirements for County Matter Development which covers both mineral and waste management development. Both documents adopt a similar format and language, despite the differing contents and requirements. Each document sets out introductory sections, the national information requirements and then the local information requirements (the local list) in considerable detail. Unlike the current documents, the local list requitements are now provided in prose format rather than tabular style. This new style lends itself more appropriately given the level of detail provided and the structure seeks to aid applicants in addressing which elements are relevant to their proposals and the level of detail required more easily. The former discretionary checklist has been revised and is now a local list requirement for major development and complex proposals. It will help provide an early overview of the material submitted. Details of the proposed validation documents are attached as Appendices 1 - County Council Community Development and 2 - County Matter Development.

10. Proportionality and the need to balance the information requirements necessary to assess an application and to avoid undue burdens on an applicant have influenced the drafting of the revised documents. In doing

so, it has been challenging to keep guidance concise and reader friendly, as intended, and to produce detailed requirements for all type of application, type of development and type of site sensitivity within the ambit of County Council's planning responsibilities. For example, it is important to avoid the absurd situation of some minor applications, e.g. fences, flagpoles, car parks, being technically invalid due the absence of roof plans.

Next Steps

11. Prior to the introduction of the revised validation documents, it is necessary to undertake consultation with the local community, including applicants and agents. There is no definition within the legislation of 'local community' and it has been interpreted in various ways by other planning authorities. For the purposes of the proposed consultation, I suggest that comments be invited from applicants and agents, along with statutory consultees. In determining which applicants and agents to consult, we will consult those who have made a planning application to the County Council since 2020. Subject to any views this Committee may have on the details, the recommendation below seeks a mandate for consultation for a period of 4 weeks. After which time any consultation responses will be considered and changes made as necessary.

12. In the event that no significant changes are required as a result of consultation, the recommendation below seeks delegated authority for the Head of Planning Applications, in consultation with the Chairman of this Committee to make changes that are considered necessary to address matters raised during the consultation. Where significant changes are required following consultation, then these will be reported back to Members for approval prior to publishing the final version for use on the website.

13. Members will be aware of the fast-changing nature of planning reform and it will therefore be important to keep the validation documents as up-to date as possible. With this in mind, I would also ask Members to agree to delegating powers to the Head of Planning Applications Group to ensure that the references within the guidance and validation documents are updated as and when new advice/guidance/policy is published to ensure they remain technically up to date.

14. In respect of the Biodiversity Net Gain requirements, Members should note that two of the Council's emerging policies in the Pre-Submission Draft of

the Kent Minerals and Waste Local Plan 2024-39 propose requirements in excess of the national requirement of 10% BNG. Draft Policy DM 3 Ecological Impact Assessment states that

> 'All development shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications must be supported by a Biodiversity Net Gain Plan and relevant supporting reports that demonstrate net gain will be achieved, implemented, managed and maintained'.

15. Similarly as part of the Council's expectation that the highest possible standards of restoration and aftercare will be required, the revised Restoration, Aftercare and After-use policy (Policy DM 19) for considering proposals for minerals extraction and temporary waste management development seeks an enhancement to the national policy requirements regarding Biodiversity Net Gain. The draft DM 19 policy requires that all development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on site biodiversity net gain shall result from the development.

16. The national requirement seeks 10% BNG for most forms of development from February 2024. Planning Policy Guidance (PPG) to accompany the BNG legislation issued in February 2024 states that at local plan examination, anything greater than 10% needs justification and testing through the plan making process. It advises that such policies will need to be evidenced, including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.

17. The above draft policies were agreed by Full Council in December 2023 and will be tested at the local plan examination later this year. In light of the later issue of the PPG, it is therefore appropriate that prior to the conclusion of the local plan examination, that the validation of planning applications be carried out against the mandatory requirements, along with the requirement (where applicable) for a draft Biodiversity Net Gain Plan and where relevant draft heads of terms for any legal agreement. The latter two requirements are supported by the recent PPG and can be incorporated into the local list. Assuming policies DM3 and DM 19 are adopted with an enhanced BNG requirement, then the local list would be revised to reflect the local plan policies. In the meantime, the local

validation requirements include reference to the emerging local plan policy on an advisory basis.

Summary

18. The validation requirements against which the County Planning Authority will assess whether it has sufficient information to validate a planning application and start the planning process have been revised. Revisions have been prepared in accordance with the requirements and principles set out in paragraph 4 above. Draft documents for County Council development (Regulation 3 development) and County Matter development (mineral and waste management development) are set out in appendices 1 and 2 to this report. The revisions are necessary to ensure that validation requirements are up to date, reflect government requirements and provide certainty to applicants in preparing planning applications. The revised documents will also be a useful tool in delivering against national planning performance requirements.

19. This report seeks Member's views on the updated Guidance and Validation of Planning Applications documents and seeks authority for public consultation before adoption.

Recommendation

20. I RECOMMEND that Members:

SUBJECT to any comments made by this Committee

I. NOTE the proposed revision and updates to the Guidance and Validation Requirements for County Council Community Development (Regulation 3 Development) and for Minerals & Waste Planning Applications;

II. AUTHORISE the Head of Planning Applications to carry out a 4 week consultation with relevant stakeholders on the revised documents;

III. DELEGATE to the Head of Planning Applications, in consultation with the Chairman of this Committee, the making of any reasonable changes to the documents to address views received following stakeholder consultation; and

IV. DELEGATE to the Head of Planning Applications the more regular updating of the Guidance and Validation of Planning Applications documents to ensure that they continue to comply with current Government and Development Plan policy and associated technical and best practice

guidance, so as to ensure they remain technically up to date in between formal reviews.

Sharon Thompson 03000 413468 Sharon.Thompson@kent.gov.uk

Appendix 1 – Draft Guidance and Validation Requirements for County Council Community Development (Regulation 3 Development) Applications
Appendix 2 – Draft Guidance and Validation Requirements For Minerals & Waste Applications

APPENDIX 1

Guidance and Validation Requirements for County Council Community Development (Regulation 3) Applications

Kent County Council

DRAFT

Draft - March 2024

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Introduction

1. Kent County Council, as the County Planning Authority (CPA), has a statutory duty to determine three categories of development within Kent, those relating to:

    - mineral development (including the extraction, processing and restoration of quarry development for a wide range of minerals found in Kent. These include soft and sharp sand, silica sand, gravels, chalk, clay and ragstone;
    - waste management development undertaken wholly or mainly for the purpose of treating, storing, processing or disposing of waste; and
    - the County Council's own community development including schools, special needs housing, libraries, development in County Council Country Parks, and strategic highway and transport schemes. These developments are known as Regulation 3 applications.

The Purpose of this Document

2. This Guidance and Validation Note relates specifically to applications for County Council community development submitted under Regulation 3 of the Town and Country Planning General Regulations 1992. Separate advice is available for County Matter applications - minerals and waste management development.

3. The Council's aim is to determine planning applications as swiftly as possible and in accordance with Government's expectation on determination timescales. Decisions are made in accordance with the Development Plan and other material planning considerations. Poor quality, conflicting or missing information causes delays in the planning application process, or the possibility of an application being refused as a result of insufficient information to demonstrate a development is acceptable. This Validation Note sets out the National information requirements (the National List) and the Local information requirements (the Local List) that need to be submitted with a planning application, so that the application can be accepted as valid and progress to determination as swiftly as possible.

4. In addition to the validation requirements, this document will provide useful information for those preparing application documents.

5. The Validation Note seeks to:
    - assist applicants and agents in ensuring greater clarity and certainty about the type and extent of information (including the Local List requirements) required as part of their application;
    - ensure applications are valid and include all the relevant documentation so that Committee Members and planning officers have timely and relevant information to enable consideration of the application;
    - improve efficiency in the decision making process by reducing the need to request additional information from the applicant;
    - ensure greater consistency in registering and validating applications submitted to the County Planning Authority; and
    - provide improvement in the quality and consistency of the information available to the Planning Authority.

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6. This Note explains what type of information will be required for certain types of applications considered by the County Planning Authority. If the information set out in the National List and Local List (as required) is not submitted with the application, then the application will not be accepted as valid and will not be progressed to a decision. **Applicants should also be aware that, following validation, further information, over and above that specified in this document, may be required to address matters raised during the consultation phase of the planning process. Such information will be requested on a case by case basis as necessary throughout the determination of the application.**

7. In addition to applications for planning permission, other consents may also be required (e.g. Building Regulations approval, Listed Building Consent, and Conservation Area Consent, from District/Borough Councils). The relevant District/Borough Council website should be referred to in preparing such applications.

National/Local Validation Requirements

8. The minimum validation requirements for planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and further detailed by Planning Practice Guidance.

9. The National Planning Policy Framework indicates that local planning authorities should publish a list of their information requirements for applications for planning permission. These are called Local Lists, and they are lists of the information required for different types of applications. Paragraph 44 of the National Planning Policy Framework (NPPF) (2023) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application and requires all planning authorities to review their validation checklists.

10. This document sets out the County Council's Local Information List (the Local List). The Local List is extensive, covering a wide range of information requirements. Not all of the reports/assessments will be required in every instance and the List sets out when an item is required.

11. Overall, the requirements for each planning application will depend on the nature and scale of the proposal and the characteristics of the surrounding environment and infrastructure. Pre-application advice can help determine the scope of the information required. If the applicant considers that it would be more appropriate for provision of one or more documents to be deferred and secured through a condition in the event of planning permission being granted (e.g. delaying a Construction Management Plan until a contractor has been appointed), this should be indicated in the planning application documentation. Officers will assess the suitability of this approach on a case by case basis.

12. There may be cases where the required supporting documents should cross refer to each other. This is encouraged, and consistency and clear referencing should be evident. For the avoidance of any doubt, it is important where a supporting report/assessment includes recommended actions or controls that the applicant confirms that any recommendations have/would be implemented as part of the

proposed development. This should be covered within a supporting statement (see section within the Local List below).

13. Alternatively, it may be helpful to incorporate some of the required information, where it does not warrant a separate report/assessment (e.g. Green Belt Statement, Heritage Statement) within the Planning Statement rather than as stand-alone documents. As indicated above the information supplied in support of an application should be proportionate to the nature of the development, the character of the surrounding environment and the potential for any resulting impacts from the development proposed on surrounding land uses.

14. In preparing the Local List, the advice, guidance, and requirements set out in national policy and guidance and the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) have been taken into account.

Validation Procedure/Invalid Applications

15. An application for planning permission submitted to the County Council will be checked against the National and Local Validation requirements. It will only be considered valid where it meets both the National Requirements for validation and the requirements of the Council's Local Validation List. **If relevant information or the correct fee is missing, the Council will not be able to validate the application and the planning process will not commence.** Applications will be validated as soon as practicable upon receipt. However, if an application is not considered to be valid by the County Council, the relevant case officer will inform you and explain what information is required for validation as soon as possible.

16. Pre-application discussions can be a useful way for an applicant and the authority to agree what information is required before an application is submitted. This can help avoid disputes over the information necessary to validate an application and reduce associated delays.

Exclusions

17. The 'local requirements' set out in this document do not apply to applications for submission of details pursuant to a planning condition or non-material amendments. This does not however negate the need for a planning submission or the requirements of the National Planning Policy Guidance for these types of applications. (https://www.gov.uk/guidance/making-an-application)

How to submit an application to Kent County Council

18. To submit an application for County Council community development (Regulation 3) you will need to submit the information set out in the National Validation Requirements, and accompanying relevant documents required by the Local List, to the County Planning Authority. This can be done online via the Planning Portal. This is our preferred approach for submission of applications. Alternatively, you can submit electronically by email via planning.applications@kent.gov.uk or by post as a hard copy. In the interests of efficiency, submission via the planning portal or via email is preferred.

19. Please keep each file below 10Mb and ensure all documents are in an unlocked format - i.e. not secured with a password. This enables the County Council to undertake any GDPR redaction required and split larger documents if necessary before publishing on our website.

20. Please note that use of download links from cloud storage/file sharing sites can be problematic due to the Council's IT security measures. It is recommended you contact us (via email or phone (see paragraph 23)) to check or test in advance of sending files in this way. We cannot acknowledge applications as received until we have successfully downloaded the accompanying documents.

21. In addition to an electronic version, at least one paper copy is required for planning applications that are accompanied by an Environmental Impact Assessment. Please note further requests for paper copies would be at the discretion of the County Planning Authority.

22. Application documents in hard copy format and cheques submitted by post should be sent to: Planning Applications Group, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX.

23. Should you have any questions or require any information relating to the submission of an application please contact the County Planning Authority's Technical Support Team on 03000 413200 or via email at planning.applications@kent.gov.uk.

24. Where there is a need to submit information considered 'sensitive personal data' or 'special category data' under the General Data Protection Regulations (GDPR), this information should be submitted in a separate document without cross-referencing in documents that can be made public, and clearly marked as confidential. The definition of 'sensitive personal data' and 'special category data' can be found in the Information Commissioner's Office (ICO) Guide to the General Data Protection Regulation (GDPR) and will include for example personal circumstances and health information.

25. We welcome and encourage discussions before a developer submits a planning application. Please use the above contact details to arrange a pre-application discussion with a Planning Officer.

26. Kent County Council's Local List and Guidance will be regularly monitored for effectiveness and compliance with national policy and guidance and reviewed as necessary.

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National Validation Requirements

A) National Validation Requirements - these are required for all Full and Outline Applications

1) Application Form and Ownership Certificates

1.1 A completed planning application form. If applying online via the Planning Portal, the Planning Portal have an online ('1APP') form to use for this purpose. Downloadable application forms can be found on the County Councils website and on the Planning Portal.

1.2 An agricultural holding declaration is required whether or not the application site forms part of, or includes, an agricultural holding. This is included in the application form.

1.3 Land Ownership certificates are also included in the planning application form and the correct Certificate must be completed as follows:

- **Certificate A**: the applicant is the sole owner, no agricultural tenants
- **Certificate B**: the applicant is not the sole owner, or there are agricultural tenants, and the details of all owners/ tenants are known.
- **Certificate C**: the applicant is not sole owner and does not know the name and address of all the owners and/ or agricultural tenants.
- **Certificate D**: the applicant is not sole owners and does not know the name and address of any of the owners and/ or agricultural tenants

1.4 If Certificates B, C or D are required, a notice to owners of the application site (that are not the applicant) must be completed and served in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is best practice to include a copy of any notice served with the application.

1.5 For the avoidance of doubt, an 'owner' is anyone with a freehold interest or leasehold interest in the land and/or property concerned with an unexpired term of not less than seven years. All agricultural tenants must be notified prior to the submission of the application.

1.6 Please ensure that forms are signed and dated (electronically as appropriate), with all relevant sections of the forms completed, and that any other accompanying documents specifically identified as being required by the form are included.

2) Application Fee

2.1 Planning application fees are set nationally by the Government and are detailed within the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. Fees are revised from time to time in accordance with legislation.

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2.2 If you are using the Planning Portal to make your application online, please note that in addition to the planning application fee which is set by Government, an additional service charge may be applied by the Planning Portal and this service charge is retained by them.

2.3 Information about planning fees including a fee guide and fee calculator can be found on the Planning Portal website. No service charge is currently applied to planning applications made directly to the Kent County Council.

2.4 Since 2018 all applications submitted using the Planning Portal, except Regulation 3 applications, must be paid using the Planning Portal Financial Transaction Service (FTS). If you are submitting a Regulation 3 application and wish to pay by internal transfer, please contact our Technical Support Team on 03000 413200 or by email at planning.applications@kent.gov.uk for further details.

2.5 For applications submitted direct to us (by post or by email) payment of the application fee must be by:

- Internal Journal Transfer
- BACS payment
- Cheque payable to Kent County Council

2.4 Currently no cash or card payments can be accepted.

3) Site Location Plan

3.1 Such plans should use the latest available survey base and show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. Large sites for road schemes, new schools, etc. should similarly have adequate off-site points of reference included.

3.2 The application site must be edged clearly with a **RED** line, including all land necessary to carry out the proposed development, e.g. land required for access to the site from a public highway, visibility splays, landscaping, car-parking and open areas around buildings.

3.3 A **BLUE** line must be drawn around any other land owned by the applicant, which is close to or adjoining the application site. It is not usually necessary to show KCC owned highway land.

3.4 Plans must be drawn to an identified scale and must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions.

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4) Other Plans

4.1 Plans, drawn to scale, to include, as appropriate to the development being applied for:

- block plan of the site (e.g., 1:50 or 1:100);
- existing and proposed site layout (e.g., 1:50 or 1:100);
- existing site and topographic surveys including features such as green infrastructure, site levels, contours, buildings, watercourses, public rights of way, overhead lines, and roads within and adjacent to the site;
- proposed finished floor and site levels, contours and heights of the application site and adjacent land relating to OS datum (e.g., 1:50 or 1:100);
- proposed finished floor and site levels should be shown in metres Above Ordnance Datum (mAOD), as this is useful for flood risk purposes;
- existing and proposed floor plans (e.g. 1:50 or 1:100);
- roof plans (e.g. 1:50 or 1:100);
- elevation drawings;
- section plans; and
- detailed junction layouts showing the width of road, turning radii and visibility (e.g. 1:50 or 1:100).

4.2 All plans/drawings should:

- Show a north point (except on elevation plans);
- Include an appropriate title and/ore description;
- Provide a drawing reference number and date, with correct revision number;
- Be at an appropriate scale and include a scale bar and calibration scale;
- Be printed on the correct sized paper according to the scale (if applicable); and
- Show details of any measurements and dimensions of proposed structures.

5) Design and Access Statement

5.3 A Design and Access Statement will be required (as set out in Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), for the following development proposals:

- All major development applications. Major development, as referred to in this document, is defined under Article 2 of the Town and County Planning (Development Management Procedure) (England) Order 2015 (as amended). For County Council community developments the following are classified as major developments:
  - the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - development carried out on a site having an area of 1 hectare or more;
- In a designated historic areas (Conservation Area and World Heritage Site) where:

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- the extension of an existing building where the floorspace created exceeds 100 square metres.
- the erection of a building or buildings where the floorspace created exceeds 100 square metres.

6.3 A Design and Access Statement must:

- explain the design principles and concepts that have been applied to the proposed development; and
- demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

7.3 A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly. Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

6) Biodiversity Net Gain

6.1 **Biodiversity net gain** is a national requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain (BNG)' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains and requirements.

6.2 Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. BNG must be measured using Defra Biodiversity Metric. BNG can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits, with the habitats secured for at least 30 years.

6.3 From the 12 February 2024 all major planning applications will be subject to Biodiversity Net Gain (BNG). BNG will become mandatory for minor/small sites on 2 April 2024.There is currently an exemption for Section 73 applications, please see Planning Policy Guidance – Biodiversity net Gain.

6.4 Where development would be subject to the general biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
    - a statement to the effect that these activities have been carried out;
    - the date immediately before these activities were carried out;
    - the pre-development biodiversity value of the onsite habitat on this date;
    - the completed metric calculation tool showing the calculations, and
    - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

6.3 **If this information has not been provided, the local planning authority will likely refuse to validate the application**. Within the planning application form applicants will be asked to confirm whether this information accompanies the application. Where these details have been provided elsewhere in accompanying documents, applicants are encouraged to cross-reference to these rather than duplicate this information within the application form.

6.4 **Please note that under the provisions the Environment Act 2021, every planning permission granted for the development of land in England shall be deemed to have been granted subject to the [following] condition: the development may not be begun unless a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan**.

6.5 Applicants should be aware that local planning authorities may request further information relating to biodiversity net gain as part of the planning application. The nature of this information will vary depending on the type and scale of development, type of planning application, the onsite habitat impacted, and the extent of any significant onsite enhancements. In determining the application, the planning authority will need to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity

gains. As a minimum, further requirements are set out in the Local Requirements BNG section below (section 4.2).

7) Environmental Impact Assessment (EIA)

7.1 An Environmental Impact Assessment will be required for the following development proposals:

- For development of a type listed in Schedule 1 of the Town & Country Planning (EIA) Regulations 2017 (as amended) (please refer to Statutory Instrument 2017 No.571 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) (the EIA Regulations).
- For development of a type listed in Schedule 2 of the EIA Regulations for which the County Planning Authority has adopted a Screening Opinion or the Secretary of State has issued a Screening Direction stating that the proposal is 'EIA development' (i.e. is likely to have significant effects on the environment). A Screening Opinion can be undertaken prior to submission or as part of the validation process.

7.2 For all major development within or affecting a 'sensitive area' or for development that falls within Schedule 2 of the EIA Regulations, it is recommended that a 'Screening request' is made to the planning authority under Schedule 6 of the EIA Regulations, prior to preparing any application to establish whether an Environmental Impact Assessment is required. Where screening does not take place prior to an application being submitted, the planning authority is required to screen all applications as part of the planning assessment. If subsequently an application is found to be an EIA application requiring an environmental statement, the planning authority will write to the applicant to confirm that the submission of an environmental statement is required. Where this is the case, an application cannot be progressed until the environmental statement is received.

7.3 A 'sensitive area' is defined as a Site of Special Scientific Interest, Natura 2000 site, National Park, National Landscape (formerly known as Area of Outstanding Natural Beauty), World Heritage Site or a scheduled monument. Local environmental designations may also be relevant in certain cases.

7.4 Where a Screening Opinion has been adopted by the Planning Authority (or the Secretary of State has issued a Screening Direction) stating that a Schedule 2 development is not 'EIA development'; an Environmental Statement and associated Non-Technical Summary document is not required as part of the application.

7.5 For proposals that are 'EIA development', applicants should provide an Environmental Statement (ES) and a Non-Technical Summary (NTS). The ES should address the County Planning Authority's information requirements as specified in any adopted Scoping Opinion (which can be requested under Regulation 15 of the EIA Regulations). The ES must contain all the information specified in Regulation 18(3) of the EIA Regulations and as much of the information listed in Schedule 4 of the EIA Regulations as can be reasonably provided. A short summary and conclusion must be provided at the end of each

section or chapter and incorporated into the NTS. The ES should identify the likely significant environmental effects of the proposal and the measures that will be taken to avoid or mitigate those effects.

7.6 Further information about EIA can be found in the National Planning Practice Guidance for EIA.

7.7 When an application accompanied by an ES is submitted, details will also need to be provided for the person(s) to whom the public can write to obtain a copy of the ES, and of the charge that will be made for provision of copies of the ES, including the cost of post and packing. Where appropriate a web-site address should also be provided where the ES can be viewed, and an address in the locality of the site of the proposed development should be identified at which the ES can be inspected by members of the public. A paper copy of the planning submission and ES should be provided.

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B) National Validation Requirements (other applications)

8) Details Pursuant Applications

8.1 This type of application/submission will be necessary where a condition(s) in a planning permission requires details of a specified aspect of the development to be approved by the Planning Authority. Often this will relate to details not fully described in the original application (for example details of materials to be used externally or a detailed landscaping scheme).

8.2 For all Details Pursuant applications, the following is required:

- The appropriate fee;
- A completed application form; and
- Details and plans required by the condition(s) (drawings should be in the format set out in paragraphs 4.1 & 4.2 above)

9) Section 73 Applications

9.1 Section 73 (S73) of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. A S73 application can propose to vary the wording of a condition or to remove the condition.

9.2 For all Section 73 applications, the following is required:

- The appropriate fee;
- Completed application form or sufficient information to enable the County Planning Authority to identify the previous grant of planning permission and the associated condition(s) which the applicant is seeking to vary;
- Appropriate ownership certificate and agricultural land declaration (see paragraphs 1.2 & 1.3 above);
- A site location plan and any other relevant drawings (drawings should be in the format set out in paragraphs 4.1 & 4.2 above);
- Where applicants are applying to vary the approved plans, they should clearly indicate the full extent of the proposed changes across the site;
- Supporting information required in relation to the changes sought. In most cases it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application (where appropriate, consideration should be given to including copies of the relevant original documents and the permission being varied); and
- Evidence to satisfy Biodiversity Net Gain requirements.

10) Non-Material Amendment Applications

10.1 A non-material amendment (NMA) may be applied to request a minor change to the planning permission. A NMA application cannot be used to make a material amendment to a planning permission.

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10.2 For all non-material amendment applications, the following is required:

- The appropriate fee;
- Completed application form;
- Supporting information required in relation to the changes sought. In some cases it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application; and
- Where plans and drawings are provided, please ensure all plans/drawings show the changes proposed (drawings should be in the format set out in paragraphs 4.1 & 4.2 above)

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Local Validation Requirements

The following section comprises the County Council's Local Information List (The Local List) for the purposes of validating planning applications submitted to the County Council. To be valid and to commence the planning process, applications should be accompanied by the national requirements and the relevant local requirements as set out below.

1) Validation Checklist

1.1 The submission of a Validation Checklist to accompany the planning application documentation is required on major applications and complex proposals. The validation checklist is available on the County Council's website.

2) Planning Statement

2.1 Mandatory for all planning applications. The more complex the scheme the greater the detail required, so the content should be proportionate to the proposals. For major applications and complex proposals, a more detailed Planning Statement is required, potentially cross referencing the other supporting documentation submitted with the application to demonstrate compliance with planning policy and confirming that the mitigation measures recommended would be implemented.

2.2 Where relevant the planning statement should set out the context and justification for the development, including:

- A comprehensive site description setting out the physical features and topography of the site and its surroundings;
- A summary of relevant planning history;
- A description of any use, planning designations or physical constraints.
- Identification of any international, national and local environmental and planning designations and physical constraints applicable to the application site and surrounding land (e.g., highway & access, water courses, local housing, Listed Buildings, Conservation Areas, National Landscapes (AONBs), Public Rights of Way, Ecological Designations, Flood Zone(s));
- The need for the proposed development. In the case of a proposed school expansion, the application will require an educational need statement;
- Fully describe the scope of the development and all the various activities and phases that comprise the proposed development;
- Details of the site layout, existing and proposed buildings and, as a minimum, indicative details of the proposed materials to be used;
- Details of boundary treatment;
- For proposed development at a school, details of existing and proposed staff and pupil numbers;
- How the proposal conforms to European, National, and Development Plan policy;

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- Identification and discussion of National Planning Guidance, Development Plan policy, and any other material considerations applicable to the proposal, justifying why, in the applicants view, planning permission should be granted;
- A summary of any supporting and technical information submitted as part of the application, including confirmation that any recommendations have / would be implemented as part of the proposed development;
- An assessment of the cumulative effect of the proposal in combination with other existing or permitted development in the vicinity;
- Details of any pre- application consultations and community engagement, including how the findings / outcomes have been taken into account in the design of the development; and
- Any further supporting or background information not included on either the Application Form or in other accompanying documents.

2.3 *Legislative and Policy Drivers –*

- *Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)*
- *National Planning Policy Framework (NPPF)*
- *Relevant Local Plan Policies*

Guidance –

- *Planning Practice Guidance – Determining an application*

3) Green Belt Statement

3.1 Required for all new built development, change of use or extended use proposals located in the Metropolitan Green Belt.

3.2 The **Green Belt Statement** should include:

- A justification for the proposed development and its location in the Green Belt;
- Consideration as to whether the proposals should be considered appropriate or inappropriate development in the Green Belt;
- For inappropriate development, details of alternative sites outside the Green Belt that have been investigated and reasons for rejection;
- For inappropriate development, factors that (alone or in combination) amount to very special circumstances which clearly outweighs harm by reason of inappropriateness and any other harm to the Green Belt;
- How the proposed development has been designed and located to reduce the impact on the openness of the Green Belt; and
- For extensions to buildings or replacement buildings in the Green Belt, volume calculations (measured externally) of the existing building, the proposed extension/replacement building and any previous extensions to the building.

3.3 Policy Drivers –

- *National Planning Policy Framework (NPPF) - Protecting Green Belt land*
- *Relevant Local Plan Policies*

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Guidance –

- *Planning Practice Guidance – Green Belt*

4) Ecology

4.1 Biodiversity Appraisals, Assessments and/or Surveys

4.1.1 Required for all applications for major development and for any development where there may be material effects on biodiversity and/or which have the potential to affect:

- Protected sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI), Local Wildlife Sites and Local Nature Reserves
- Development identified within SSSI Impact Risk Zone
- European and National Protected Species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992)
- Within 100m of Priority Habitats and Species - Habitats of Principal Importance in England (Priority Habitats) and Species of Principal Importance in England (Priority Species), Ancient Woodland, Important Hedgerows or Veteran Trees
- Proposals affecting natural or semi-natural vegetation/habitat (e.g. woodland, hedgerows, ponds, and grassland)

4.1.2 In addition, all development proposals including works as set out below will trigger the need for a protected species survey:

- Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:
  - Permanent agricultural buildings
  - Buildings with wooden cladding or hanging tiles within 200m of woodland or water
  - Pre-1960 buildings within 200m of woodland or water
  - Pre-1919 buildings within 400m of woodland or water
  - Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures· Bridges, aqueducts and viaducts
  - Lighting of Churches and listed buildings or flood lighting within 50 metres of woodland, water or hedgerows / lines of trees with an obvious connection to woodland or water
  - Works affecting woodland, or hedgerows / lines of trees with an obvious connection to woodland or water
  - Works that involve the felling or lopping of veteran trees, trees with obvious cracks, holes and cavities or trees with a diameter greater than 1m at chest height
  - Works affecting gravel pits, quarries, natural cliff faces, or rock outcrops with crevices or caves
  - Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats

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4.1.3 A protected species survey, assessment and mitigation report will be required to accompany the application in the circumstances described above (paragraphs 4.1.1 & 4.1.2). Any survey(s) should meet the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines and the British Standard for Biodiversity. The work should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines / methods where available. In all cases the documents should demonstrate that ecological mitigation hierarchy has been applied (Avoidance, Mitigation, Compensation, Enhancement).

4.1.4 A Preliminary Ecological Appraisal (PEA) is required unless the development does not affect the habitats set out in paragraphs 4.1.1 & 4.1.2 above. A Preliminary Ecological Appraisal (PEA) is therefore required in most instances. This should provide up-to-date information on habitats on the application site and links to other habitats, species present (or likely to be present), likely impacts, mitigation and enhancement opportunities. A PEA should also provide an assessment and demonstration of biodiversity net gain, on or offsite. For all but the most minor applications, the PEA should include the results of a search from the Kent and Medway Biological Records Centre. Unless there are exceptional circumstances, if an initial PEA is submitted with the application that confirms that further surveys for protected species are required, the application will not be valid unless the required survey is carried out in full, and a report of the findings are submitted with the application (see paragraphs 4.1.5 & 4.1.6 below).

4.1.5 Protected Species Surveys are needed if the site or surroundings may contain species, such as bats, badgers, reptiles or great crested newts, to establish their presence/absence, the population levels, likely impacts and scheme of mitigation and compensation. It is expected that surveys, data collection and analysis follow the guidance in BS 42020 - Biodiversity Code of practice for planning and development. Please note that each species has a relevant survey season (see guidance section in paragraph 4.1.8). Survey's must be carried out within the relevant season, otherwise it is likely that an application will need to be delayed until surveys can be completed in the next available season.

4.1.6 Ecological Impact Assessment (EcIA) where the PEA identifies the need for habitat and species surveys, these need to be carried out and assessed in an EcIA to establish their presence/absence, the population levels, likely impacts and scheme of mitigation and compensation. The EcIA should follow the CIEEM Guidelines for Ecological Impact Assessment. Measures for mitigation, compensation and net gain should be set out in a Biodiversity Mitigation Plan in a way that enables them to be covered by condition.

4.1.7 For sites likely to impact on SAC, SPA or Ramsar sites a **Habitat Regulations Assessment** should be completed - see HRA section 4.3 below.

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4.1.8 *Legislative and Policy Drivers –*

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *Section 40 of the Natural Environment and Rural Communities Act (2006)*
- *Conservation of Habitats and Species Regulations (2017)*
- *Environment Act (2021)*
- *25 Year Environment Plan (2018)*
- *District / Borough Local Plan Policies on biodiversity*
- *Kent Nature Partnership Biodiversity Strategy 2020 to 2045*

Guidance –

- *Planning Practice Guidance - Natural Environment*
- *Planning Practice Guidance - Appropriate Assessment*
- *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.*
- *Natural England - Standing Advice on Protected Species and Development.*
- *Natural England - SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA's MAGIC website)*
- *Biodiversity Action Plan (UK BAP)*
- *Guidance on Construction near protected areas and wildlife – NE & DEFRA*
- *Kent and Medway Biological Records Centre.*
- *Chartered Institute of Ecology and Environmental Management (CIEEM).*
- *Bat Conservation Trust - Bat Surveys for Professional Ecologists: Good Practice Guidelines*
- *BS42020: 2013 Biodiversity: Code of Practice for Planning and Development.*
- *Emerging policy on Biodiversity Net-Gain both at national and local level.*

4.2 Biodiversity Net Gain and draft Gain Plan

4.2.1 All development, unless able to demonstrate qualification for an exemption, will be required to provide the minimum national information requirements for Biodiversity Net Gain (BNG) (as set out in the national information requirements section above). For smaller development (where the building is less than 1,000m^2 or the site is less than 1 hectare), subject to existing on-site habitats having a low biodiversity value that do not include any priority habitats, protected sites or European protected species, the planning authority may be able to accept the minimum (national) information requirements in respect of BNG to validate an application and begin the planning assessment. Applicants should be aware that the planning authority is likely to require further information relating to biodiversity net gain as part of the planning application. The authority will need to consider whether the biodiversity gain condition is capable of being discharged successfully. Where this is unclear further supporting information will be necessary to enable an application to be determined. Applicants are encouraged to submit as much information as practicable as part of an application to address this statutory requirement.

4.2.2 For larger development (where the building is greater than 1,000m2 or the site is greater than 1 hectare) or for development likely to require significant onsite, offsite gains or the use of biodiversity credits, a draft Biodiversity Gain Plan and (where relevant) draft heads of terms for a legal agreement securing the gains should be submitted with the application.

4.2.3 A draft Biodiversity Gain Plan should include the following matters:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat. (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that.
- The pre-development biodiversity value of the onsite habitat, including:
  - the relevant date for purposes of calculating the pre-development biodiversity value of onsite habitats;
  - completed biodiversity metric calculation (pre-development);
  - pre-development plans showing the location of onsite habitat (including any irreplaceable habitat).
- The post-development biodiversity value of the onsite habitat, including:
  - completed biodiversity metric calculation for onsite;
  - post-development plans showing the location of onsite habitat;
- Landscape plan(s) / drawings demonstrating an accurate post-development habitat value.
- A description of arrangements for maintenance and monitoring of habitat enhancement (habitat enhancement must be maintained for at least 30 years after the development is completed). Draft habitat management and monitoring plan, which sets out the proposals for long term delivery and maintenance of habitats, to be secured through planning condition or planning obligation.
- Any registered off-site biodiversity gain allocated to the development and the biodiversity.
  - Where units are being purchased from a local biodiversity habitat bank, information on the existing scheme. The level of detail required will be dependent on the rarity / value of the habitat being replaced.
  - Where a completely new off-site habitat area is proposed, pre-development and post-development plans and metrics for the off-site provision along with relevant description of the arrangements and the implementation, maintenance, and monitoring of the site / habitat(s) for at least 30 years.
- Any biodiversity credits purchased for the development (only to be used when national requirements are demonstrated).

4.2.4 For any development involving significant onsite or any off-site habitat provision (unless conservation covenants are used), details of draft heads of terms for a legal agreement clearly setting out potential obligations required to secure the biodiversity gains, should permission be granted. These should include

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implementation, management, maintenance, and monitoring of the habitat(s) for at least 30 years. **Please note that where a legal agreement is required it will need to be agreed and completed prior to the commencement of any development granted permission (alongside formal approval of the required Biodiversity Gain Plan**).

4.2.5 Government guidance confirms that no legal agreement is likely to be necessary for non-significant onsite BNG enhancements unless they contribute to locally important species or ecological networks. Non-significant enhancements are habitat enhancements whose loss will not significantly decrease the development's biodiversity value.

4.2.6 *Legislative and Policy Drivers –*

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *Environment Act (2021)*
- *District/Borough Local Plan Policies on biodiversity net gain*

Guidance –

- Planning Practice Guidance - Biodiversity Net Gain.
- DEFRA Guidance – Biodiversity net gain.
- DEFRA Guidance – Statutory biodiversity metric tools and guides.
- DEFRA Guidance – Creating a habitat management and monitoring plan for BNG

4.3 Shadow Habitat Regulation Assessment (HRA)

4.3.1 A Shadow Habitat Regulations Assessment is required for any project that may affect the protected features of a Natura 2000 or 'Habitat Site' designated for its nature conservation interest (Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites). This includes land or watercourses located beyond the boundaries of a habitat site which support or has the potential to affect the populations for which the habitat site(s) was designated or classified (functionally linked habitat).

4.3.2 Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zones should be used as a guide to identify projects that need to be considered in accordance with the Habitat Regulations.

4.3.3 The following table identifies the screening distances from Habitat Sites associated with impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA screening and any application will need to address the potential impacts. The table does not preclude HRA being required in other circumstances.

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Pathway	Screening Distance from a Habitat Site
Air Quality - Energy from Waste	10 km
Air Quality - Landfill Gas Flares	1 km
Air Quality - Biopathogens	1 km
Air Quality - Dust	500 m
Air Quality - Vehicle Exhaust Emissions	200 m
Water Quality and Flow	No standard distance (use source/pathway/receptor approach)
Disturbance (noise/visual)	1 km from a Habitat Site supporting disturbance sensitive species/populations
Coastal Squeeze	No standard distance - evaluate on a case-by-case basis

4.3.4 The integrity of a Habitat site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat;
- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats;
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site;
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species;
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology;
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds;
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives.

If there is a likely impact the assessment will need to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before the proposal can proceed.

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4.3.5 The 2019 Regulations require the applicant to provide sufficient information to enable the local planning authority to complete a Habitat Regulations Assessment, this is normally in the form of a Shadow Habitat Regulations Assessment.

4.3.6 **Stage 1 Screening**

This step is a simple assessment to screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site;
- risks having a significant effect on a European site on its own or in combination with other proposals.

This will include consideration of the proposal's integral design features or characteristics, such as its layout, timing and location to inform the screening decision. These may mean that any risk to a European site is avoided and you do not need to do an appropriate assessment. At the screening stage, it is not lawful to consider any mitigation measures included by the applicant for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage below.

4.3.7 **Stage 2 Appropriate Assessment**

An appropriate assessment informed by a Habitat Regulations Assessment prepared in support of the application is required where:

- there is a risk of a likely significant effect on a European site; or
- there is not enough evidence to rule out a risk.

The scope and content of an assessment will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. An assessment should be proportionate and sufficient to support the task of the competent authority in determining whether the project will adversely affect the integrity of a Habitat Site.

An assessment must contain complete, precise, and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project. This includes considering the indirect effects on the designated features and conservation objectives, including the following principles:

- an assessment must catalogue the entirety of habitat types and species for which a site is protected;
- an assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site, including for the typical species of designated habitats as well as the implications for habitat types and species present outside the boundaries of that site and functionally linked; insofar as those implications are liable to affect the conservation objectives of the site.

Where it cannot be concluded that there will be no adverse effects on a site's integrity, there is a need to consider potential mitigation. Mitigation measures are protective measures forming part of a project and are intended to avoid or reduce any direct adverse effects that may be caused by a plan or project, to

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ensure that it does not have an adverse effect on the integrity of a habitats site(s). Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice.

In the first instance effort should be made to avoid an adverse effect on site integrity altogether; however, if this is not possible impact reduction measures should be applied. For example, this may involve:

- switching to a less damaging method of construction;
- undertaking works at a less sensitive time of year (e.g. outside a breeding season);
- not proceeding with some parts of the plan or project;
- incorporating additional works into the plan or project to avoid or reduce its impact.

A proposal will pass the integrity test if an appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the designated site(s).

4.3.8 **Stage 3: Derogations**

If the proposal fails the integrity test the development will be refused, unless it can pass 3 legal tests and be granted an exception, known as a 'derogation'. To decide if the proposal qualifies for a derogation, further information will be requested to address the 3 legal tests below:

- There are no feasible alternative solutions that would be less damaging or avoid damage to the site;
- The proposal needs to be carried out for imperative reasons of overriding public interest;
- The necessary compensatory measures can be secured.

4.3.9 *Legislative and Policy Drivers -*

- *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019) (the Habitat Regulations).*
- *National Planning Policy Framework - Conserving and enhancing the natural environment.*
- *District/Borough Local Plan Policies*

Guidance -

- *Planning Practice Guidance - Habitats regulations assessments: protecting a European site.*
- *Planning Practice Guidance - Appropriate Assessment*
- *Natural England - SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA's MAGIC website)*
- *Chartered Institute of Ecology and Environmental Management (CIEEM).*

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5) Landscape, Landscaping and Trees

5.1 Arboricultural Assessment/Tree Survey/Tree Constraints Plan

5.1.1 Required for any development proposal which is likely to affect trees or hedgerows within and adjacent to the development site, either directly by loss or damage, or indirectly by developing in close proximity to trees and therefore potentially reducing their lifespan/viability

- Where a proposal involves work that affects any trees or hedgerows within the application site, the position, species, spread and roots of trees should be shown accurately on a plan. The location of any trees within adjacent sites, including highway trees, which may be affected by the application should also be shown.
- Any trees which are to be felled or are otherwise affected by the proposed development should be identified.
- Information regarding which trees are to be retained and the means of protecting retained trees during construction works should be included.
- Development involving the loss of trees should include provision for suitable replacement/mitigation measures as part of a landscape or restoration plan (see below)
- For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey and arboricultural report with the application. The report is generally required to assess the impacts on trees affected, their health, their value to local amenity and how tree loss / damage will be mitigated. Any survey prepared in support of an application would benefit from preparation by a suitably qualified and experienced arboriculturist.
- A Biodiversity Assessment is likely to be required where significant trees or important hedgerows are to be removed (see section 4.1 above).
- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy is provided (see National Planning Policy Framework for further guidance).

5.1.1 Policy Drivers –

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *National Planning Policy Framework (Achieving well-designed places)*
- *Local Development Plan Policies regarding landscape designations, landscaping and planting proposals.*

Guidance –

- *Planning Practice Guidance – Planning applications affecting trees and woodland.*
- *Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.*
- *Planning Practice Guidance – Ancient woodland, ancient trees and veteran trees: advice for making planning decisions.*

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- *British Standard BS 5837:2012 - Trees in relation to design, demolition and construction.*

5.2 Landscaping Plan/Landscape Strategy

5.2.1 Required for all major planning applications and minor applications where landscape mitigation, compensation or restoration is required. Details should be proportionate to the size, nature and scale of the proposal. Where landscape planting/screening is integral to the development proposals (for example, as identified within a LVIA report – see section 5.4 below) then a detailed landscape strategy will also be required. In some cases, final landscaping details could be secured by planning condition. However, for more complex applications and those affecting sensitive locations (such as within the Green Belt or a designated National Landscape (formally Areas of Outstanding Natural Beauty)), full details are likely to be required before determination to demonstrate that the strategy is adequate to mitigate the landscape and visual impacts of the development proposed.

5.2.2 *Where proposals involve development close to or over the footprint of established trees the application will require a suitable assessment (proportionate to the potential level of impact). Please see Tree Survey (Arboricultural Assessment) section above. This should be prepared in tandem with any Landscaping Plan or Strategy.*

5.2.3 *Where the proposed Landscape Plan also forms part of any ecological mitigation proposed the Plan needs to support the biodiversity assessments, biodiversity net gain and any requirements under the Habitat Regulations (see sections above).*

5.2.4 A Landscaping Plan/Strategy should include:

- Details of any existing landscape features, trees and hedgerows on the site;
- Details of any trees and hedgerows to be retained and measures for their protection during the period of works/construction;
- Details of areas to be planted with native species of local provenance [with species such as Ash and Elm avoided where possible] and, as a minimum, a schedule of plants, noting species, plant or stock size, and proposed spacing, numbers or planting densities, notes on cultivation, protection and timing of planting;
- Details of maintenance and management of the scheme; and
- Details of hard landscaping (e.g. paving, fencing, retaining walls etc) including materials, colours etc.

5.2.5 A Landscape and Ecology Management Plan (LEMP) is likely be required for nature conservation-based restoration schemes. Where relevant it should include landscape/habitat restoration and enhancement and new landscape features to compensate for those lost to development.

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5.2.6 *Policy Drivers –*

- *National Planning Policy Framework - Conserving and enhancing the natural environment.*
- *National Planning Policy Framework - Achieving well-designed place)*
- *Local Development Plan Policies regarding landscape designations, landscaping and planting proposals.*

Guidance –

- *Planning Practice Guidance – Natural Environment*
- *Natural England and DEFRA Guidance on landscapes*
- *Kent Design Guide*
- *Kent Downs or High Weald National Landscape Management Plans.*
- *Landscape Institute Guidelines for Landscape and Visual Impact Assessment.*

5.3 Tree Protection Plan

5.3.1 Required when a development proposal would impact on existing tree(s), including their root protection area (RPA) and no compensation or restoration is proposed.

5.3.2 A Tree Protection Plan must show how existing trees, including their RPA, would be protected during construction activities, including the provision of protective fencing and ground protection.

5.4 National Landscapes (formally known as Areas of Outstanding Natural Beauty) and Landscape Visual Impact Assessments

5.4.1 Required for any proposal that due to its size, scale or location may have a significant visual impact on surrounding landscapes or townscapes having regard to public viewpoints and the sensitivity of the landscape – specifically the Kent Downs National Landscape (formally known as Area of Outstanding Natural Beauty (AONB)) and the High Weald National Landscape (formally known as AONB), and their setting.

5.4.2 In most cases a full Landscape and Visual Impact Assessment will be required. However a Landscape Visual Appraisal may be sufficient for minor development proposals. The appraisal for minor proposals could be achieved within a planning statement accompanied by photographs from identified public viewpoints, to provide an informal assessment

5.4.3 The Landscape Visual Impact Assessment (LVIA) should include:

- An assessment and evaluation of the landscape / townscape character and the potential impact the proposed development may have on landscape / townscape features;
- Details of visual receptors (e.g. PROWs, public open spaces / public vantage points, residential properties, other sensitive locations) should be included together with other important features and views;

- Details of relevant Landscape / Townscape Character Assessment undertaken;
- Photographs, visualisations, and photomontages to be provided as appropriate;
- Proposed mitigation measures (e.g. screening, landscaping, design); and
- Landscape/Townscape and Visual Impact Assessments should be carried out by an appropriate professional in accordance with best practice.

5.4.4 Policy Drivers –

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *National Planning Policy Framework -Achieving well-designed places*
- *Local Development Plan Policies regarding landscape designations, and conserving and enhancing the natural environment.*

Guidance –

- *Kent Design Guide*
- *Kent Downs or High Weald National Landscapes Management Plans.*
- *Planning Practice Guidance – Natural Environment*
- *Natural England and DEFRA Guidance on landscapes*
- *Landscape Institute Guidelines for Landscape and Visual Impact Assessment.*

5.5 Agricultural land Classification Assessment

5.5.1 Required for applications proposing large-scale non-agricultural development impacting best and most versatile agricultural land (Grades 1, 2 & 3a).

5.5.2 The assessment should include details on:

- The agricultural classification and quality of existing agricultural land.
- The quality of any agricultural land lost and justification for its loss.

5.5.3 Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

5.5.4 *Policy Drivers –*

- *National Planning Policy Framework -Conserving and enhancing the natural environment*
- *Local Development Plan Policies.*

Guidance –

- *Natural England Guidance - Guide to assessing development proposals on agricultural land (2021).*

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6) Heritage and Archaeology

6.1 Heritage Statement

6.1.1 Required for all planning applications where the development may affect heritage assets, either directly or indirectly. Heritage assets include Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Registered Parks and Gardens, sites of archaeological interest, assets of local heritage interest, or sites on KCC's Historic Environment Record or known or likely to contain archaeological remains*. (Note that any works proposed to Listed Buildings also require Listed Building consent from the local District/ Borough Planning Authority. Works involving the demolition of buildings within a Conservation Area may also require Conservation Area consent from the District/ Borough Planning Authority).*

6.1.2 A Heritage Statement is required to describe the significance of the heritage assets affected. The statement should be proportionate to the scale of development, proximity to heritage assets and likely impact. It will need to;

- identify and describe any heritage assets within or in close proximity to the application site; consider any potential impact the development may have either directly on the heritage asset, or on its wider setting, and demonstrate how the potential impacts have been avoided or minimised in the final scheme design;
- Assess the significance of the heritage asset, assess the impact on the heritage asset and set out a justification and mitigation statement for the impact of the proposal on the heritage asset;
- be accompanied by photographic records showing the site context and features that may be affected by the proposal, preferably cross-referenced to application drawings; and
- provide justification for the impact and make recommendations for mitigation or, if sufficient justification is provided, compensation for its loss, should some level of harm to heritage assets not be avoided.

6.1.3 At validation stage, the assessment may be desk-based. It should be noted that further investigative work could be required (e.g. geophysical survey; trial trenching) in order for any impact to be fully assessed prior to determination of the application, or where appropriate, potentially required by pre-commencement conditions.

6.1.4 *Legislative and Policy Drivers –*

- *National Planning Policy Framework -Conserving and enhancing the historic environment*
- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Local Development Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.).*

Guidance –

- *Planning Practice Guidance – Historic Environment*

- *Historic England's 'Historic Environment Good Practice Advice in Planning'*
- *Early liaison with the County Archaeologist/Conservation Officer is advised to establish the archaeological/heritage implications, together with assistance from an appropriately qualified historic environment specialist.*
- *The Kent Historic Environment Record (see the County Council's website for public access)*

6.2 Archaeological Assessment

6.2.1 Required when a Heritage Statement or pre-application discussion with the County Planning Authority indicates that a Heritage Asset with an Archaeological Interest is likely to be present on site and/or affected by a development proposal. An asset of Archaeological Interest is considered to be a Scheduled Monument, a County Site of Archaeological Importance, an Area of High Archaeological Potential, or development application area exceeding 0.4 hectares in size, where it is reasonably considered that previously undocumented archaeological remains might survive.

6.2.2 An Archaeological Assessment should examine the nature and significance of the archaeological resources of the site, in comparison with the nature of the development proposal, and detail the likely implications for the future survival and management of the resource that arise. All archaeological sites are unique and therefore the County Council will address archaeological issues on a case-by-case basis. It is expected that applicants will supply sufficient information to allow appropriate archaeological consideration of the implications of proposed development in advance of the determination of any application.

6.2.3 *Legislative and Policy Drivers –*

- *National Planning Policy Framework -Conserving and enhancing the historic environment*
- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Local Development Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.).*

Guidance –

- *Planning Practice Guidance – Historic Environment*
- *Historic England's 'Historic Environment Good Practice Advice in Planning'*
- *Early liaison with the County Archaeologist/Conservation Officer is advised to establish the archaeological/heritage implications, together with assistance from an appropriately qualified historic environment specialist.*
- *The Kent Historic Environment Record (see the County Council's website for public access)*

7) Highways and Public Rights of Way

7.1 Transport Statement

7.1.1 Required for applications for small scale developments that would impact upon traffic movements and minor school expansions.

7.1.2 A Transport Statement (TS) should include the following:

- information regarding the existing and proposed access arrangements, including the width of the access shown on a plan giving visibility splays;
- if an access is to be altered details should be given of the proposed width of the altered access and the method of construction;
- access into the site from several directions in order to increase accessibility and permeability should be investigated;
- details of existing and forecast modal split (car/cycle/walk/scooter) and how the trips would be spread during school dropping off/picking up periods; and
- details of existing and proposed parking for staff and visitors, and areas for the loading/unloading and manoeuvring of vehicles, particularly delivery vehicles and coaches.

7.1.3 Policy Drivers

- *National Planning Policy Framework (Promoting sustainable transport),*
- *Local Development Plan Policies relating to local amenity and highway safety*

Guidance –

- *Kent County Council Highways and Transportation*
- *Planning Practice Guidance: Travel plans, transport assessments and statements in decision making.*

7.2 Transport Assessment

7.2.1 Required for applications for large school expansions, new schools and all major development proposals.

7.2.2 A Transport Assessment should include all of the information required to be submitted in a Transport Statement (see paragraph 7.1.2 above) in addition to the following:

- an illustration of accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site;
- a demonstration of existing/proposed catchment;
- a consideration of the impact of the proposal and any necessary mitigation to accommodate an increase in trips (e.g. junction improvements/footway widening/pedestrian crossings/parking restrictions); and
- details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. The level of parking provision proposed should be justified.

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7.2.3 All submissions should include proposals to reduce the transportation impact of the development and adequate mitigation.

7.2.4 *Policy Drivers –*

- *National Planning Policy Framework -Promoting sustainable transport*
- *Local Development Plan Policies relating to local amenity and highway safety*

Guidance –

- *Kent County Council Highways and Transportation*
- *Planning Practice Guidance: Travel plans, transport assessments and statements in decision making.*

7.3 Construction Management Plan

7.3.1 Required for all major planning applications, and for any application proposing significant new built development, construction period/setting out phase. For smaller scale development unlikely to involve significant construction phases this matter could be covered within the planning statement or by pre-commencement condition. Depending on the circumstances and the sensitivity of the surrounding land uses/environment, it may be possible to provide a commitment to address this matter by way of a condition if planning permission were to be granted, but the suitability of this approach would need to be considered as part of the determination process.

7.3.2 The Plan should include, amongst other relevant matters, initial details on:

- Construction access arrangements;
- Site compound and associated temporary development;
- Parking for site personnel, operatives, visitors and construction traffic (where relevant);
- Specifications for vehicle turning within the site;
- Area(s) for loading and unloading of plant and materials;
- Storage of plant and materials;
- Programme of works including measures for traffic management (including the avoidance of peak school times), vehicle routing, numbers of HGVs and design of delivery area;
- Hours of working;
- Provision of boundary hoarding / temporary boundary treatment;
- Measures for the suppression and control of dust and/or noise during construction;
- Wheel washing facilities (or where relevant measures to prevent mud and debris from construction reaching the highway); and
- Tree / habitat protection measures during construction.

7.3.3 Policy Drivers –

- *National Planning Policy Framework - Promoting sustainable transport*
- *Local Development Plan Policies relating to local amenity and highway safety*

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7.4 Travel Plan

7.4.1 Required for all school development proposals resulting in an increase in pupil and/or staff numbers, including temporary and bulge permissions. For non-school development, where a development will create a significant amount of movement (by any mode of transport) a Travel Plan should be provided.

7.4.2 The Travel Plan must set out a strategy for managing and reducing the dependency on the private car, which shall include objectives and modal-splits targets, a programme of implementation and provision for monitoring, review and improvement.

7.4.3 In most cases, a School Travel Plan should be completed using the County Council's online Travel Plan system 'Jambusters', using the template and guidance available, and a copy submitted with the planning application.

7.4.4 *Policy Drivers –*

- *National Planning Policy Framework - Promoting sustainable transport*
- *Local Development Plan Policies relating to local amenity and highway safety*

Guidance –

- *Kent County Council School Travel Plan Team*
- *Planning Practice Guidance: Travel plans, transport assessments and statements in decision making*

7.5 Public Rights of Way Statement (including byways, bridleways and public footpaths)

7.5.1 Required for any application where the proposal has the potential to directly affect a Public Right of Way either by obstructing it or potentially causing inconvenience or other risk to its users.

7.5.2 The Statement should detail:

- How the development or proposal would affect the Public Right of Way network (including relevant plans and drawings);
- How the development would incorporate/mitigate any rights of way on site;
- Any requirements for diversion or stopping up of any part of the network with details of the timescales and period of closure;
- Provision of acceptable alternative route(s) that is both safe and convenient for users, during operations and following restoration of the site; and
- Where appropriate, opportunities to improve the right of way network, including improved access into and within the countryside.

7.5.3 Please note that changes or temporary closure of the public footpath, including any disturbance of the surface of the right of way, or obstruction of its use,

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either during or following any approved development requires a separate permission from the local Highway Authority. Please contact Kent Public Rights of Way and Access Service to discuss this requirement.

7.5.4 Policy Drivers –

- *National Planning Policy Framework - Open space and recreation*
- *Local Development Plan Policies.*

Guidance –

- *Planning Practice Guidance - Open space, sport and recreation facilities, public rights of way and local green spaces*
- *Kent County Council Public Rights of Way and Access Service*

8) Drainage, Flooding and Land Contamination

8.1 Flood Risk Assessment (FRA)

8.1.1 A Flood Risk Assessment is required for any development:

- in flood zone 2 or 3 including minor development and change of use;
- of more than 1 hectare (ha) in site area in flood zone 1;
- of less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs);
- in an area within flood zone 1 which has critical drainage problems or where the Environment Agency, Internal Drainage Body or other relevant bodies have indicated there may be a drainage problem;
- Any significant extensions or increases in areas of hard surfacing within the floodplain or adjacent to a main river.

8.1.2 The Environment Agency's standing advice should be followed for minor development or proposals involving a change of use, including in relation to the Flood risk vulnerability classification (Annex 3 of National Planning Policy Framework).

8.1.3 Find out what flood zone a development is in here.

8.1.4 A site-specific flood risk assessment should be carried out to assess the flood risk to and from a development site. The assessment should demonstrate how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its use. The flood risk assessment does not need to be carried out in a specific format and should be proportionate to the scale, nature and location of the development and the level of risk.

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8.1.5 The assessment should include (as appropriate):

- A location plan showing street names, any rivers, streams, ponds, wetlands, other bodies of water or areas at risk of surface water flooding and other geographical features;
- Site plan showing the existing site, the development proposal and structures which could affect water flow or flood storage capacity;
- Survey showing the existing site levels (Above ordnance datum) and the levels of the proposed development;
- A cross section of the site showing finished floor or road levels and any other levels that inform the flood risk (e.g., existing raised banks and flood defence walls);
- Whether a proposed development is likely to be affected by current or future flooding from any source;
- An assessment of surface water runoff from the site and whether the development will increase flood risk elsewhere;
- How these flood risks will be managed now and over the lifetime of the development;
- Details of the proposed drainage system and management of surface water runoff;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- Consideration of climate change;
- Opportunities to reduce the probability and consequences of flooding;
- Mitigation measures and emergency evacuation procedures necessary.
- Whether the development type is appropriate for the proposed location given the level of risk and the Flood risk vulnerability classification;
- Details demonstrating that the sequential test has been applied - demonstrating that development is located in an area with the lowest risk of flooding given the sites available;
- Details demonstrating the development passes the Exception Test (i.e., the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall).

8.1.6 Legislative and Policy Drivers –

- *National Planning Policy Framework - Meeting the challenge of climate change, flooding and coastal change*
- *Local Development Plan Policies regarding Flood Risk/Drainage.*
- *Flood and Water Management Act 2010.*

Guidance –

- *Planning Practice Guidance: Flood Risk and Coastal Change*
- *Environment Agency guidance on River maintenance, flooding and coastal erosion*

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8.2 Sustainable Drainage Systems (SuDS)/Surface Water Drainage Assessment

8.2.1 Required for all major planning applications and any minor applications that propose an alteration to the existing drainage arrangements and/or interruption to natural drainage (unless there is clear evidence that requiring it would be inappropriate). A surface water drainage assessment should be carried out to demonstrate that the development makes use of SuDS and will not create an increased risk of flooding from surface water to the development site and the surrounding area. For minor applications a proportionate assessment of the surface water requirements should be undertaken and any opportunity for the inclusion of SuDS reviewed.

8.2.2 An assessment (taking into account different factors including the layout of the site, the topography and geology) demonstrating how any surface water generated from the development will be controlled as near to its source as possible should be submitted. A drainage strategy (including FRA where applicable, proposed drainage layout and calculations) shall be submitted to demonstrate that the development does not flood or increase flooding downstream.

8.2.3 Sustainable drainage for the site shall be proposed in accordance with SuDS surface water management hierarchy of prevention, reduction, source control, site control and regional control (the accepted hierarchy of surface water discharge options is infiltration, then attenuation and discharge to: watercourse, surface water sewer, other sewer). Evidence shall be provided to demonstrate that the most sustainable strategy is proposed taking into account flood risk, site layout, topography, geology, etc.

8.2.4 Where the intention is to incorporate infiltration SUDS, their feasibility shall be demonstrated through approved intrusive geotechnical surveys to establish infiltration rates, ground water levels and ground contamination. Should actual infiltration rates (via intrusive tests) not be readily available (reason to be stated in drainage strategy), desktop study demonstrating evidence of likely ground conditions (from British Geological Survey or other sources) of the site could be used. In such instance, an alternative strategy shall also be submitted to demonstrate how the site would drain if infiltration is not feasible or acceptable.

8.2.5 Should it be proposed to dispose of surface water into a watercourse, surface water sewer, highway drain or another drainage system, the application should be accompanied by evidence that the runoff rates are being restricted to greenfield values and the system has adequate capacity downstream and is in a suitable state to accept the water. Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.

8.2.6 Scale plans of the drainage arrangements will need to be provided.

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8.2.7 *Legislative Policy Drivers –*

- *National Planning Policy Framework - Meeting the challenge of climate change, flooding and coastal change*
- *Water Environment Regulations (2017)*
- *Local Development Plan Policies regarding Flood Risk/Drainage.*

Guidance –

- *Planning Practice Guidance - Water supply, wastewater and water quality.*
- *Planning Practice Guidance - Flood Risk and Coastal Change.*
- *The Environment Agency.*
- *Kent County Council as the Lead Local Flood Authority.*
- *Local wastewater providers – Southern Water / Thames Water*

8.3 Wastewater and Water Supply Report

8.3.1 Required for all major applications where there would be a net increase in water and waste water demand to serve the development.

8.3.2 Water supply and sewerage/wastewater infrastructure is essential to any development. Failure to ensure that any required upgrades to the infrastructure network are delivered alongside development could result in adverse impacts in the form of internal and external sewer flooding and pollution of land and water courses and/or low water pressure. Calculations of the mains water consumption and sewage demand for the development proposed, and confirmation as to whether any upgrades are needed, are therefore required for proposals that meet the criteria set out in paragraph 8.3.1.

8.3.3 *Policy Drivers –*

- *National Planning Policy Framework- conserving and enhancing the natural environment*
- *Local Development Plan Policies*

Guidance –

- *Planning Practice Guidance: Water supply, wastewater and water quality*

8.4 Contaminated Land Investigation/Assessment

8.4.1 Required for any major application where the proposal:

- is on a land overlying a Groundwater Source Protection Zone for drinking water.
- is on, or adjacent to, potentially contaminated land.
- is on land where contamination of soil, groundwater, or from hazardous soil or gas is known or suspected, on or in the vicinity of the site, based on present or previous uses of the site or its surroundings.
- is on land that has been designated 'contaminated' by the Borough/ District Council.

- is on land with a potential risk from naturally occurring hazards in the ground such as arsenic, radon and methane /carbon dioxide.
- would disturb land and could result in likely effects of pollution on health, living conditions or the natural environment, including by polluting surface water or groundwater, or the migration of ground gas.

8.4.2 If there is a reason to believe contamination could be an issue, applicants should provide a proportionate site investigation (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors'), so that these risks can be assessed and satisfactorily reduced to an acceptable level.

8.4.3 The risk assessment should identify the potential sources, pathways, and receptors ('pollutant/ contaminant linkages') and evaluate the risks. This information will enable the planning authority to determine whether more detailed investigation is required, or whether any proposed remediation is satisfactory. Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations, risk assessments and a plan demonstrating suitable mitigation measures is likely to be needed before the application can be determined.

8.4.4 *Legislative and Policy Drivers -*

- *National Planning Policy Framework (Conserving and enhancing the natural environment), and Local Development Plan Policies.*
- *Environment Protection Act (1990): Part 2A Contaminated Land Statutory Guidance*
- *Water Environment Regulations (2017)*
- *Local Development Plan Policies on ground contamination*

Guidance –

- *Planning Practice Guidance – Land affected by contamination.*
- *Environment Agency - Land Contamination: Technical Guidance.*
- *Environment Agency: Groundwater Protection Guides.*
- *British Standard BS10175:2011+A2:2017 Code of Practice for the Investigation of potentially contaminated sites.*
- *BS 5930:2015 + A1:2020 Code of practice for ground investigations*

9) Other Environmental Impacts

9.1 Noise Impact Assessment

9.1.1 Required when a proposed development is in close proximity to existing major noise source e.g. motorways or trunk road, airports, industrial activities etc, and/or where the development itself is likely to generate significant noise levels e.g. outdoors sports facilities. The Assessment should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather

conditions and using nationally recognised survey guidelines/methods where available.

9.1.2 A Noise Assessment should generally include:

- baseline data relating to existing noise levels including frequency analysis;
- Identification of representative and free field sensitive receptors and measuring points and how these are appropriate (considering not only the distance, but topography etc.);
- a description of the likely noise emissions during construction and when operational (during different phases, if applicable), and an assessment of effects on the area affected;
- how the design minimises and/or mitigates noise to avoid significant adverse impacts on health and quality of life;
- where cumulative effects are possible, scenarios should be developed to determine the likely cumulative impact;
- an assessment of the impact of any residual increase in noise on the surrounding area, in particular protected areas of tranquillity such as National Landscapes (formally AONBs);
- identification of whether the noise will have an impact on wildlife, with particular consideration to be given to the potential effect of noisy development on noise-sensitive ecological receptors and international, national and locally designated sites for importance for biodiversity; and
- a noise monitoring and mitigation/management scheme

9.1.3 Policy Drivers –

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *Noise Policy Statement for England*
- *Local Plan Policies on noise and amenity impacts.*

Guidance –

- *Planning Practice Guidance –Noise.*

9.2 Air Quality Assessment

9.2.1 Required for all planning applications that would generate significant levels of air quality emissions, development proposed in or adjacent to an Air Quality Management Area, any development proposals which would generate odours, and where Borough or District Local Plan Policies stipulate specific thresholds. The Assessment should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

9.2.2 The Air Quality Assessment must focus on the issues specific to that proposal, for example, dust, odour, traffic, bio-aerosols and other potential pollutants. For each issue the following should be included:

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- a description of baseline conditions;
- relevant air quality considerations;
- the scale and nature of the emissions the development could generate;
- the assessment methodology and any requirements around verification of modelling air quality;
- activities or operations that could generate dust/odour/fumes etc.;
- sensitive locations and receptors;
- the basis for assessing impact and determining the significance of an impact;
- construction phase impact;
- measures that could deliver improved air quality;
- details of any mitigation; and
- monitoring arrangements.

9.2.3 Policy Drivers –

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *Local Plan Policies on air pollution, health and amenity impact.*

Guidance –

- *Planning Practice Guidance –Air Quality*

9.3 Lighting Assessment

9.3.1 Required for all developments proposing significant external lighting, including temporary construction and security lighting, streetlighting, and floodlighting of pitches/games areas. The Assessment should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

9.3.2 The assessment shall provide full details of any external lighting including details of:

- The number, type, location and height of any lighting including those on columns and/or buildings;
- An assessment of the baseline light levels, including an indication of lighting zone classification (as defined by the Institution of Lighting Engineers - Guidance Notes for the Reduction of Obtrusive Light);
- The intensity of the installation (in Lux levels) and spill patterns shown on a scaled plan;
- An assessment of the impact of lighting from all relevant viewpoints.
- The proposed hours of use;
- Potential for impacts on ecological features;
- Proposed mitigation measures; and
- Measures for unforeseen impacts and monitoring;

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9.3.3 Policy Drivers –

- *National Planning Policy Framework - Conserving and enhancing the natural environment*
- *Local Plan Policies on lighting and pollution impacts*

Guidance –

- *Planning Practice Guidance – Light Pollution*
- *Bat Conversation Trust - Guidance on bats and lighting*
- *The Institution of Lighting Professionals - Guidance Note GN01/21 The Reduction of Obtrusive Light*
- *Sport England Artificial Lighting Guidance*

9.4 Daylight/Sunlight Assessment

9.4.1 Required for any application where there is potential for adverse impacts on current levels of daylight/sunlight enjoyed by adjoining properties or buildings including associated gardens or amenity space.

9.4.2 The assessment should include:

- Details of existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties;
- Details of the measures to be taken to mitigate against the expected impact of the proposed development.

9.4.3 Policy Drivers –

- *National Planning Policy Framework - Achieving well-designed places*
- *Local Development Plan Policies relating to design and local amenity.*

10) Development on Playing Field

10.1 Any developments on school sites where the proposal would be located on part of the playing field or on an existing playing pitch should be accompanied by a statement setting out the impact of the proposal on playing field, a plan to show the existing and proposed playing pitch layout including hard and soft play, and an assessment against the five exceptions tests set out in Sport England's Playing Field Policy and Guidance document (see guidance below).

10.2 *Policy Drivers –*

- *National Planning Policy Framework - Promoting Healthy and Safe Communities*
- *Local Development Plan Policies relating to open space and recreation.*

Guidance –

- *Planning Practice Guidance: Open space, sport and recreation facilities, public rights of way and local green spaces*
- *Sport England Policies*

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11) Sustainable Design/Carbon Neutral Statement

11.1 Required for all major planning applications, and where Borough or District Local Plan Policies stipulate specific thresholds. This is likely to include any new permanent accommodation on a school site

11.2 A statement setting out how sustainable forms of design & construction have been incorporated into the new development and any proposed renewable energy technologies (including electric vehicle charging spaces if additional car parking is proposed) shall be submitted. With regard to carbon emissions, the statement must state the carbon emissions associated with each stage of the development's lifecycle. It must demonstrate how the design of the proposal has minimised its lifecycle carbon emissions during its construction, operation, maintenance requirements and end of life (decommissioning/restoration),

11.3 This Statement will require consideration of the following:

Construction Phase-

- choice of materials to minimise embodied carbon over the lifecycle of the development (considering ongoing maintenance requirements), to include those emissions associated with the materials' manufacture, distribution and use on site;
- need to minimise energy consumption, maximise energy efficiency and use renewable energy;
- need to minimise water consumption;
- the need to avoid damaging carbon stores; and
- the opportunity for landscaping onsite or habitat restoration/creation elsewhere to offset carbon emissions associated with construction activities.

Operation and Maintenance Phase -

- need of the development to minimise energy consumption, maximise energy efficiency and use renewable energy. This shall include how landform, layout, orientation, massing, landscaping and planting have been used to make use of solar gain, natural ventilation and local cooling, and how highways schemes have been designed to maximise vehicle efficiency and encourage sustainable travel modes;
- explain how Local Plan policies on local energy requirements will be met;
- minimisation of water consumption and use of grey water and rainwater harvesting; and
- the opportunity for landscaping onsite or habitat restoration/creation elsewhere to offset annual carbon emissions associated with the development's operation.

End of Life Phase

- choice of materials to enable their straightforward and likely reuse or recycling;
- the opportunity for the deployment of renewable energy; and
- the opportunity for landscaping onsite to absorb carbon.

11.1 Policy Drivers -

- *National Planning Policy Framework - Meeting the challenge of climate change, flooding and coastal change*
- *Local Development Plan Policies regarding sustainable design and construction.*

Guidance –

- *Planning Practice Guidance: Climate Change*
- *Planning Practice Guidance: Renewable and low carbon energy*
- *Kent County Councils Environment Strategy and New Zero Targets*

12) Community Engagement

12.1 The National Planning Policy Framework encourages pre-application discussions and states that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties'.

12.2 The County Planning Authority encourages developers to enter into pre-application discussions with the Council to establish the information that will be required, and to identify key issues and policies associated with any potential application.

12.3 Developers are encouraged to inform the community of their plans to ensure that communication is established at an early stage in the process. Applicants are advised to submit details of the engagement carried out as well as any comments/feedback made by members of the public. Applicants are advised to demonstrate how they have addressed any comments raised at the pre-application stage.

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APPENDIX 2

Guidance and Validation Requirements for Minerals & Waste Applications

Kent County Council

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Draft - March 2024

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Introduction

1. Kent County Council, as the County Planning Authority (CPA), has a statutory duty to determine three categories of development within Kent, those relating to:

    - mineral development including the extraction, processing and restoration of quarry development for a wide range of minerals found in Kent. These include soft and sharp sand, silica sand, gravels, chalk, clay and ragstone;
    - waste management development undertaken wholly or mainly for the purpose of managing, storing, treating, processing, recycling, recovering or disposing of waste; and
    - the County Council's own community development including schools, special needs housing, libraries, development in County Council Country Parks, and strategic highway and transport schemes. These developments are known as Regulation 3 applications.

    The Purpose of this Document

2. This Guidance and Validation Note relates specifically to applications for mineral and waste management development. Separate advice is available for applications for the County Council's community development. Both Guidance and Validation Notes were adopted xxxxxxx.

3. The Council's aim is to determine planning applications as swiftly as possible and in accordance with Government's expectation on determination timescales. Decisions are made in accordance with the Development Plan and other material planning considerations. Poor quality, conflicting or missing information causes delays in the planning application process, or the possibility of an application being refused as a result of insufficient information to demonstrate a development is acceptable. This Validation Note sets out the National Information requirements (the National List) and Local Information List requirements (the Local List) that need to be submitted with a planning application, so that the application can be accepted as valid and progress to determination as swiftly as possible.

4. In addition to the validation requirements, this document will provide useful information for those preparing application documents.

5. The Validation Note seeks to:

    - assist applicants and agents in ensuring greater clarity and certainty about the type and extent of information (including the Local List requirements) required as part of their application;
    - ensure applications are valid and include all the relevant documentation so that Committee Members and planning officers have timely and relevant information to enable consideration of the application;
    - improve efficiency in the decision-making process by reducing the need to request additional information from the applicant;
    - ensure greater consistency in registering and validating applications submitted to the County Planning Authority; and.
    - provide improvement in the quality and consistency of the information available to the Planning Authority.

6. This Note explains what type of information will be required for certain types of applications considered by the County Planning Authority. If the required information from the National List and the Local List is not submitted with the application, then the application will not be accepted as valid and cannot be progressed to a decision. **Applicants should also be aware that following validation, further information, over and above that specified in this document, may be required to address matters raised during the consultation phase of the planning process. Such information will be requested on a case-by-case basis as necessary throughout the determination of the application.**

7. In addition to applications for planning permission other consents may also be required (e.g. Building Regulations approval, environmental permitting, Listed Building Consent, and Conservation Area Consent, from District/Borough Councils). The relevant District/Borough Council and Environment Agency websites should be referred to in preparing such applications.

National/Local Validation Requirements

8. The minimum validation requirements for planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and further detailed by Planning Practice Guidance.

9. The National Planning Policy Framework indicates that local planning authorities should publish a list of their information requirements for applications for planning permission. Local information lists set out the information required for different types of applications. Paragraph 44 of the National Planning Policy Framework (NPPF) (2023) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application.

10. This document sets out the County Council's Local Information List (the Local List). The Local List is extensive, covering a wide range of information requirements, not all of the reports / assessments will be required in every instance and the List sets out when an item is required in each instance.

11. Overall, the requirements for each planning application will depend on the nature and scale of the proposal and the characteristics of the surrounding environment and infrastructure. Pre-application advice can help determine the scope of the information required. If the applicant considers that it would be more appropriate for provision of one or more documents to be deferred and secured through a condition in the event of planning permission being granted (e.g. delaying a Construction Environmental Management Plan until a contractor has been appointed), this should be indicated in the planning application documentation. Officers will assess the suitability of this approach on a case-by-case basis.

12. There may be cases where the required supporting documents should cross refer to each other. This is encouraged, and consistency and clear referencing should be evident. For the avoidance of any doubt, it is important where a supporting report / assessment includes recommended actions or controls that the applicant confirms that any recommendations have / would be implemented as part of the proposed development. This should be covered within a supporting statement (see section within the Local List below).

13. Alternatively, it may be helpful to incorporate some of the required information, where it does not warrant a separate report/assessment (e.g. Green Belt Statement, Heritage Statement) within the Planning Statement rather than as stand-alone documents. As indicated above the information supplied in support of an application should be proportionate to the nature of the development, the character of the surrounding environment and the potential for any resulting impacts from the development proposed on surrounding land uses.

14. In preparing the Local List, the advice, guidance, and requirements set out in national policy and guidance and the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) have been considered.

Validation Procedure/Invalid Applications

15. An application for planning permission submitted to the County Council will be checked against the National and Local Validation requirements. It will only be considered valid where it meets both the National Requirements for validation and the requirements of the Council's Local List**. If relevant information or the correct fee is missing, the Council will not be able to validate the application and the publicity and consultation stages of the planning process will not commence.** Applications will be validated as soon as practicable upon receipt. However, if an application is not considered to be valid by the County Council, the relevant case officer will inform you and explain the information that is required for validation as soon as possible.

16. Pre-application discussions can be a useful way for an applicant and the authority to agree what information is required before an application is submitted. This can help avoid disputes over the information necessary to validate an application and reduce associated delays.

Exclusions

17. The 'local requirements' set out in this document do not apply to applications for submission of details pursuant to a planning condition or non-material amendments. This does not however negate the need for a planning submission or the requirements of the National Planning Policy Guidance for these types of applications. (https://www.gov.uk/guidance/making-an-application)

How to submit an application to Kent County Council

18. To submit an application for mineral or waste management development you will need to submit the information set out in the National Validation Requirements, and accompanying relevant documents required by the Local List, to the County Planning Authority. For waste applications this can be online via the Planning Portal. This is our preferred approach for applications. Alternatively, you can submit electronically by email via planning.applications@kent.gov.uk or by post as a hard copy. In the interests of efficiency, submission via the Planning Portal or via email is preferred.

19. Please keep each file below 10Mb and ensure all documents are in an unlocked format - i.e. not secured with a password. This enables the County Council to undertake any GDPR redaction required and split larger documents, if necessary, before publishing on our website.

20. Please note that the use of download links from cloud storage/file sharing sites can be problematic due to the Council's IT security measures. It is recommended that you contact us (via email or phone (see below)) to check or test in advance of sending files in this way. We cannot acknowledge applications as received until we have successfully downloaded the accompanying documents.

21. In addition to an electronic version, at least one paper copy is required for planning applications that are accompanied by an Environmental Impact Assessment. Please note further requests for paper copies are at the discretion of the County Planning Authority.

22. Application documents in hard copy format submitted by post should be sent to: Planning Applications Group, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX.

23. Should you have any questions or require any information relating to the submission of an application please contact the County Planning Authorities Technical Support Team on 03000 413200 or via email at planning.applications@kent.gov.uk.

24. Where there is a need to submit information considered 'sensitive personal data' or 'special category data' under the General Data Protection Regulations (GDPR), this information should be submitted in a separate document without cross-referencing in documents that can be made public, and clearly marked as confidential. The definition of 'sensitive personal data' and 'special category data' can be found in the Information Commissioner's Office (ICO) Guide to the General Data Protection Regulation (GDPR) and will include for example personal circumstances and health information.

25. We welcome and encourage discussions before a developer submits a planning application. Please use the above contact details to arrange a pre-application discussion with a Planning Officer.

26. Kent County Council's Local List and Guidance will be regularly monitored for effectiveness and compliance with national policy and guidance and reviewed as necessary.

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National Validation Requirements

Part (A) National Validation Requirements - required for all Full Applications

1) Application Form and Ownership Certificates

All full applications must satisfy the national requirements below, along with the relevant requirements from the local list section.

For waste management development, a completed planning application form. If applying online via the Planning Portal, the Planning Portal have an online ('1APP') form to use for this purpose. Downloadable application forms can be found on the Planning Portal and on the County Councils website.

For mineral development, the relevant application form is available on the County Council's website. Development for mineral extraction cannot be submitted online via the Planning Portal.

An agricultural holding declaration is required whether or not the application site forms part of or includes an agricultural holding. This requirement is included in the planning application form.

Land Ownership certificates are required and are also included within the relevant forms. The correct Certificate must be completed as follows:

- **Certificate A**: the applicant is the sole owner, no agricultural tenants;
- **Certificate B**: the applicant is not the sole owner, or there are agricultural tenants, and the details of all owners/ tenants are known;
- **Certificate C**: the applicant is not sole owner and does not know the name and address of all the owners and/ or agricultural tenants; and
- **Certificate D**: the applicant is not sole owners and does not know the name and address of any of the owners and/ or agricultural tenants.

If Certificates B, C or D are required, a notice to owners of the application site (that are not the applicant) must be completed and served in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. (https://ecab.planningportal.co.uk/uploads/1app/notices/notice1.pdf) It is best practice to include a copy of any notice served with the application.

For the avoidance of doubt, an 'owner' is anyone with a freehold interest or leasehold interest in the land and/or property concerned with an unexpired term of not less than seven years. All agricultural tenants must be notified prior to the submission of the application.

Please ensure that forms are signed and dated (electronically as appropriate), with all relevant sections of the forms completed and that any other accompanying documents specifically identified as being required by the form are included.

2) Application Fee

A Planning fee is required by Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and set out in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. Fees are revised periodically in accordance with legislation.

If you are using the Planning Portal to make your application online, please note that in addition to the planning application fee which is set by Government, an additional service charge may be applied by the Planning Portal and this service charge is retained by the Planning Portal. No service charge is currently applied to planning applications made directly to Kent County Council. Information about planning fees when applying directly to Kent County Council can be found in the planning applications fee guide.

Information about planning fees when applying via the Planning Portal can be found on the Planning Portal website, including their online fee calculator.

Since 2018 all applications submitted using the Planning Portal must be paid using the Planning Portal Financial Transaction Service (FTS). For applications submitted direct to us (by post or by email) payment of the application fee can be paid by:

- BACS payment;
- Cheque payable to Kent County Council; and
- Internal Journal Transfer (where applicable).

Currently no cash or card payments can be accepted.

3) Site Location Plan

Location plan: The location plan is required at an identified scale (normally 1:1250 or 1:2500). The plan should be based on an up-to-date OS map (or equivalent) with the north point indicated and a unique drawing title and reference number. It is recognised that there are certain circumstances, such as development covering a large area, where location plans of a smaller scale may be more appropriate to enable the application site to be identified.

The application site is required to be edged clearly with a RED line. Where the proposal involves a new building or extension on a large application site the proposed building should be hatched in red to provide extra clarity for consultation purposes. The plan is to include all land necessary to carry out the proposed development – for example, land required for access to the site. A BLUE line is to be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site but not included within the application.

To assist in locating the site the plan should ideally show at least two named roads, surrounding buildings, and features. In the interests of clarity, the location plan is not required to include other information that is provided on other plans, such as topographical details.

4) Other Plans and Drawings

Site / Block plans of existing and proposed development.
The plans should be drawn to an identified scale (appropriate to the development proposed) including a suitable scale bar with written dimensions and, in the case of plans, a north point. The site plan should show: the proposed development in relation to the site boundaries and other existing buildings on site; all the buildings, roads and footpaths adjoining the site, including access arrangements; all public rights of way; the position of all trees on the site and those on the adjacent land; the extent and type of any hard/soft landscaping and any boundary treatment; unless these would not influence or be affected by the proposed development.

Other plans:
Additional plans and drawings necessary to describe the proposed development. This will vary according to the type of development proposed. For additional requirements, see Local Requirements within the relevant section below.

All plans are required to be drawn to an appropriate scale and include a unique drawing reference number and title. It would also be beneficial if plans specify critical dimensions (external measurements) such as building footprint and height to eaves/ridge.

Updated and superseded plans: Any plans or supporting documents which supersede those originally submitted should be clearly labelled and sent electronically to the County Council.

5) Biodiversity Net Gain

When Required / Relevant Proposals

Biodiversity net gain is a national requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain (BNG)' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains and requirements. From the 12 February 2024 all major planning applications, with some limited exemptions for section 73 (s73) applications, will be subject to Biodiversity Net Gain (BNG)

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. BNG must be measured using the adopted Defra Biodiversity Metric. BNG can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits, with the habitats secured for at least 30 years.

Relevant exemptions from BNG include:

- Development granted planning permission by a development order, which includes permitted development rights;
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows; and
- Section 73 applications where the original permission to which the section 73 relates to was either granted (or made) before 12 February 2024.

What is Required (Assessments / Reports / Surveys)

Where development would be subject to the general biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- Confirmation that the applicant believes that if planning permission is granted, the development would be subject to the biodiversity gain condition;
- The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- The completed Defra Biodiversity Metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- A statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
  - A statement to the effect that these activities have been carried out;
  - The date immediately before these activities were carried out;
  - The pre-development biodiversity value of the onsite habitat on this date;
  - The completed metric calculation tool showing the calculations; and
  - Any available supporting evidence of this;
- A description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- Plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

If this information has not been provided, the planning authority will likely refuse to validate the application. Within the planning application form applicants will be asked to confirm whether this information accompanies the application. Where these details have been provided elsewhere in accompanying documents, applicants

are encouraged to cross-reference to these rather than duplicate this information within the application form.

Should an applicant consider that the development could be within the scope of the 'de minimis exemption' it must include sufficient evidence to support the exception, this could include a description of the site and development, suitable plans, aerial or site photographs.

Development involving the winning and working of minerals or waste development does not qualify as a small development in BNG terms and as such all mineral and waste applications should use the full statutory biodiversity metric tool (and not the small sites metric).

Please note that under the provisions the Environment Act 2021, every planning permission granted for the development of land in England shall be deemed to have been granted subject to the [following] condition:

'The development may not be begun unless a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan.'

Applicants should note that the planning authority is likely to require further information relating to biodiversity net gain as part of the planning application. The nature of this information will vary depending on the type and scale of development, type of planning application, the onsite habitat impacted, and the extent of any significant onsite enhancements. In determining the application, the planning authority will need to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains. As a minimum, further requirements are set out in the Local Requirements BNG section below.

BNG Requirements for Section 73 applications

An application to vary a condition of a planning permission under section 73 which is made after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) is not in scope if the original permission (to which the section 73 application relates) was either granted or the application for the original permission was made before this date.

Section 73 applications are not required to be accompanied by the minimum information requirements such as the pre-development biodiversity value of the onsite habitat for biodiversity net gain set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This baseline information would have already been provided with the application for the original permission.

If a planning permission granted under section 73 does not affect the post development value of the onsite habitat (and in the case of a site containing

irreplaceable habitat any arrangements made to compensate for any impact) specified in an approved Biodiversity Gain Plan for planning permission to which the section 73 permission relates, the earlier plan is regarded as approved for the purpose of the new permission granted under section 73. In this circumstance, a new Biodiversity Gain Plan is not required to be submitted and approved prior to the commencement of the development subject to the section 73 permission.

However, if any conditions attached to the new planning permission granted under section 73 affect the post development biodiversity value, then a Biodiversity Gain Plan for the new permission must be submitted and approved prior to the commencement of the permission. A section 73 permission cannot be used to vary or remove the biodiversity gain condition.

There are also further specific provisions for phased development and section 73 permissions. Further guidance is provided below.

Key Policy Drivers / Guidance

- Environment Act (2021);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP) Policies; and
- District / Borough Local Plan Policies.

6) Environmental Impact Assessment (EIA)

When Required / Relevant Proposals

Required for all applications proposing development listed in Schedule 1 of the Town & Country Planning (EIA) Regulations 2017 (as amended), or Schedule 2 of the EIA Regulations where the development is likely to result in significant effects on the environment.

For all major development within or affecting a 'sensitive area' or for development that falls within Schedule 2 of the EIA Regulations, it is recommended that a 'Screening request' is made to the planning authority under Schedule 6 of the EIA Regulations, prior to preparing any application to establish whether an Environmental Impact Assessment is required. Where screening does not take place prior to an application being submitted, the planning authority is required to screen all minerals and waste applications as part of the planning assessment. If subsequently an application is found to be an EIA application requiring an environmental statement, the planning authority will write to the applicant to confirm that the submission of an environmental statement is required. Where this is the case, an application cannot be progressed until the environmental statement is received.

A 'sensitive area' is defined as a Site of Special Scientific Interest, Natura 2000 site, National Park, National Landscape (formerly known as Area of Outstanding Natural

Beauty), World Heritage Site or a scheduled monument. Local environmental designations may also be relevant in certain cases.

Where a Screening Opinion has been adopted by the Planning Authority (or the Secretary of State has issued a Screening Direction) stating that a Schedule 2 development **is not** 'EIA development'; an Environmental Statement and associated Non-Technical Summary document is not required as part of the application.

What is Required (Assessments / Reports / Surveys)

If Environmental Impact Assessment is required, prior to preparation of the Environmental Statement it is advised that a Scoping Opinion is sought from the planning authority under Regulation 15 of the EIA Regulations. This will set out the information that the authority considers should be provided in the Environmental Statement to meet the requirements of Regulation 18 and Schedule 4 of the EIA Regulations.

Schedule 4 of the EIA Regulations sets out the information which should be included within the Environmental Statement and Non-Technical Summary (NTS).

Where Environmental Impact Assessment is required, the other assessments within the Local List may be required as part of the Environmental Statement.

The submitted Environmental Statement (ES) must contain all the information specified in Regulation 18(3) of the EIA Regulations and listed in Schedule 4 of the EIA Regulations. A short summary and conclusion must be provided at the end of each section or chapter and incorporated into the NTS. The ES should identify the likely significant environmental effects of the proposal and the measures that will be taken to avoid or mitigate those effects.

Further information about EIA can be found in the National Planning Practice Guidance for EIA.

When an application accompanied by an ES is submitted, details will also need to be provided for the person(s) to whom the public can write to obtain a copy of the ES, and of the charge that will be made for provision of copies of the ES, including the cost of post and packing. Where appropriate a web-site address should also be provided where the ES can be viewed, and an address in the locality of the site of the proposed development should be identified at which the ES can be inspected by members of the public. A paper copy of the planning submission and ES should be provided.

Key Policy Drivers / Guidance

- Required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended);
- National Planning Policy Framework (NPPF) - Decision-making; and
- Planning Practice Guidance (PPG) - Environmental Impact Assessment.

Part (B) National Validation Requirements (other applications)

These applications must satisfy the national requirements below, along with the relevant requirements from the local list section.

1) Details Pursuant Applications

This type of application/submission will be necessary where a condition(s) in a planning permission requires details of a specified aspect of the development to be approved by the Planning Authority. Often this will relate to details not fully described in the original application (for example details of materials to be used externally or a detailed landscaping scheme).

For all Details Pursuant applications, the following is required:

- The appropriate fee;
- A completed application form; and
- Details and plans required by the condition(s) (drawings should be in the format set out above).

2) Section 73 Applications

Section 73 (S73) of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. A S73 application can propose to vary the wording of a condition or to remove a condition.

For all Section 73 applications, we require:

- The appropriate fee;
- Completed application form or sufficient information to enable the County Planning Authority to identify the previous grant of planning permission and the associated condition(s) which the applicant is seeking to vary;
- Appropriate ownership certificate and agricultural land declaration (see above);
- A site location plan and any other relevant drawings (drawings should be in the format as set out above);
- Where applicants are applying to vary the approved plans, they should clearly indicate the full extent of the proposed changes across the site;
- Supporting information required in relation to the changes sought. In most cases it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application (where appropriate, consideration should be given to including copies of the relevant original documents and the permission being varied); and
- Evidence to satisfy BNG requirements if required.

3) Non-Material Amendment Applications

A non-material amendment (NMA) may be applied for to approve a minor change to a planning permission that does not breach any conditions originally placed on the consent.

For all non-material amendment applications, we require:

- The appropriate fee;
- Completed application form;
- Supporting information required in relation to the changes sought. In some cases, it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application; and
- Where plans and drawings are provided, please ensure all plans/drawings show the changes proposed (drawings should be in the format as set out above).

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Local Validation Requirements

The following section comprises the County Council's Local Information List (the Local List) for the purposes of validating planning applications submitted to the County Council. To be valid and to commence the planning process, applications should be accompanied by the national requirements and the relevant local requirements as set out below.

1) Validation Checklist

The submission of a Validation Checklist to accompany the planning application documentation is required on major applications and complex proposals. The validation checklist is available on the County Council's website.

2) Planning Statement

a) When Required / Relevant Proposals

- Mandatory for all planning applications;
- All applications will require a detailed description of the proposed development, operations and uses;
- Statements should be proportionate and specific to the development;
- For major applications and complex proposals, a more detailed Planning Statement would be expected, potentially cross referencing the other supporting documentation submitted with the application to demonstrate compliance with policy and confirming that the mitigation measures recommended by individual reports would be implemented, if permission were to be granted; and
- In cases that do not require an Environmental Impact Assessment, environmental information on the operations would need to be included in the planning statement.

b) What is Required (Assessments / Reports / Surveys)

Where relevant the planning statement should set out the context and justification for the development, including:

Context

- A description of the site and surroundings, including detail of all existing physical features or physical constraints, land uses (both within and on the land surrounding the site) (i.e., existing buildings, housing, hard standing, environmental features - rivers, open water, habitats);
- To support the above requirement, it would be beneficial to submit photographic evidence showing the site and its context;
- Details of existing planning permissions, including references, the nature of the use and the scope of activity permitted along with details of any associated vehicle movements;
- Confirmation as to whether the existing uses / development would be retained or replaced by the proposed development;

- Identification of any international, national and local environmental and planning designations and physical constraints applicable to the application site and surrounding land (e.g., SPA, SAC, SSSI, highway access, water courses, housing, Listed Buildings, National Landscapes (formerly Area of Outstanding Natural Beauty), public footpaths, Ancient Woodland, Flood Zone(s) etc); and
- Information on the geology and topography of the site, including (where relevant) land stability considerations, groundwater levels and quality, ground conditions, surface water drainage / flooding, geomorphological features, geohydrological information, heights and contours for the application site and surrounding area.

<u>The Proposal</u>

- A full description of the scope of the proposed development and subsequent operation of the site, including site layout, access points, buildings, necessary groundwork, drainage, boundary treatment, operational areas and details of existing and proposed external building materials;
- Summaries of any supporting and technical information submitted as part of the application, including confirmation that any recommendations have / would be implemented as part of the proposed development. Where relevant conditions or a legal agreement should be considered to demonstrate that the recommended mitigation can be secured if permission were to be granted;
- An assessment of the cumulative effect of the proposal in combination with other existing or permitted development in the vicinity;
- Context and need for the development. (i.e., existing demand, projected future demand, expected throughput for the proposal and maximum capacity, how the proposal would contribute towards identified need and predicted need;
- Details of monitoring and complaints procedures;
- Details of any pre- application consultations and community engagement, including how the findings / outcomes have been considered in the design of the development; and
- Any further supporting or background information not included on either the Application Form or in other accompanying documents that could reasonably be a material consideration in the determination of the application, having regard to the location, nature and scale of the proposals.

<u>For Waste Management Development - an application will also require:</u>

- Information on the maximum annual capacity of the facility and the types, quantities and sources of waste;
- Details of the nature of the waste materials to be imported to the site; the nature of end products to be generated; and how any residual materials would be managed or disposed;
- How the proposed facility would meet the need for sustainable waste management that drives waste up the waste hierarchy and does not undermine movement up the waste hierarchy (prevent, reuse, recycle, other recovery and disposal). Also see Waste Hierarchy Statement and Circular Economy Statement requirements below;
- Where the proposal includes landfilling and land raising, proposals should include the total volume of imported material required; its origin and type; the

total annual rate; void space capacity in metres cubed (m^3); details of phasing and timeframes for filling;

- Details of the transport method (road / rail / water), the size and capacity of the vehicles, the frequency of the daily movements required and the distributions across the day (including at peak travel times);
- Details of stockpiles including heights;
- Details of site management, e.g. wheel wash facilities;
- Details of phased working and restoration, afteruses and aftercare management for temporary uses, including landfill schemes (see restoration and aftercare requirements section below); and
- Details of amenity and environmental impacts together with mitigation and management strategies; including types of waste, processes, capacity of site, storage arrangements, access details, impact on water resources and nature conservation interests.

<u>For Mineral Development - an application will also require:</u>

- Details of landbank need requirements for all new extraction proposals;
- Details of methods of extraction, materials handling, including soil stripping, temporary soil storage areas, ground and surface water management regime, processing equipment, blasting methodology and a monitoring regime (where relevant), temporary haul roads, finished material storage areas, a summary of restoration and aftercare, should be explained;
- Details of amenity and environmental impacts together with mitigation and management strategies and/or proposed controls or conditions; including access details, impact on water resources and nature conservation interests;
- Details of the transport method (road / rail / water), the size and capacity of the vehicles, the frequency of the daily movements required (maximum and average) and the distributions across the day (including at peak travel times);
- Details of stockpiles, including area(s), heights, management and mitigation measures;
- Details of site management, including controls, monitoring and mitigation measures (e.g. wheel wash facilities);
- Details of phased working and restoration, afteruses and aftercare management for temporary uses, including landfill schemes (see restoration and aftercare requirements section below); and
- For proposals relating to the extraction of silica sand a statement setting out how such material will be reserved for high end / industrial uses, as opposed to more general aggregate use.

<u>Planning Policy and Guidance</u>

- Identification and discussion of National Planning Policy Guidance, Development Plan policy, including relevant Development Plan Documents (DPDs) and any other material considerations applicable to the proposal, justifying why planning permission should be granted.

c) **Key Policy Drivers / Guidance**

- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended);

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies; and
- Planning Practice Guidance - Determining an application.

3) Drawings / Plans - Describing the existing site & proposed development

a) When Required / Relevant Proposals

- All new development involving new built development, engineering work or operational changes (where required to describe the proposals).

b) What is Required (Assessments / Reports / Surveys / Plans)

- Plans and drawing must be provided to scale - it is the responsibility of the applicant/agent to provide accurate and updated plans and drawings within reasonable tolerances;
- Drawings must be sufficient to identify the building / development within its context;
- The information should be sufficient to show the proposals in context including the relationship with relevant existing on-site and off-site reference points/features - including the access points (pedestrian and vehicle), existing built development, hardstanding, habitats, species, position and spread of all existing trees within and on the boundary of the site;
- Full details of the site layout including all built development, full details of vehicular access routes from the site to the public highway; internal haul roads; extent and type of any hard surfacing; operational areas; flows of waste around the site; fixed plant and equipment; weighbridges; wheel wash; proposals for screening and landscaping operations, including details of screening bunds; boundary treatments, including walls or fencing where proposed; the location, number and form of vehicle or cycle parking; the location and shape of any vehicle turning area; the position of any diverted watercourses, lagoons, sources of water supply; means of drainage; the method, direction and phasing of landfilling/working and restoration (including estimated duration of each phase); the position of any landfill gas and leachate monitoring and control facilities (or other environmental control systems);
- Where a change in ground levels is proposed, illustrative drawings should be submitted to show existing and proposed levels across the site (with levels related to a national fixed datum point) – the level of detail should be proportionate to the development proposed, the extent of change and the sensitivity of the surrounding landform;
- For new built development details of elevations, floor plans, roof plans, foundation design, finished floor levels, eaves and ridge heights should be provided (as relevant);
- For large development or development in sensitive locations, cross sections through the proposed building/development at various stages/locations;

- For landfill proposals – drawings showing existing, pre-settlement and post settlement levels should be submitted (with levels related to a fixed datum point off site); the plans should include surrounding ground levels (to 250m from proposed changes) and plans showing phases of working and restoration, will be required; and
- For minerals proposals - plans showing extraction areas, soils/overburden storage areas, stand offs, temporary bunds, temporary haul roads, management of public rights of way, phased working and restoration plans including details of gradients of finished slopes/quarry faces, safeguarded ecological areas/translocation areas, ground and surface water management during extraction and restoration, processing areas and plant, will be required.

c) **Key Policy Drivers / Guidance**

- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies.

4) <u>Ecology</u>

<u>Draft Biodiversity Net Gain Plan</u>

a) **When Required / Relevant Proposals**

- All development, unless able to demonstrate qualification for an exemption will be required to provide the minimum national information requirements for BNG (as set out in the national information requirements section above);
- For all minerals or waste development that does not qualify for an exemption, a draft Biodiversity Gain Plan and (where relevant) draft heads of terms for a legal agreement securing the gains should be submitted with the application;
- The applicants should be aware that the planning authority is likely to require further information relating to biodiversity net gain as part of the planning application. The authority will need to consider whether the biodiversity gain condition is capable of being discharged successfully. Where this is unclear, further supporting information will be necessary to enable an application to be determined. Applicants are encouraged to submit as much information as practicable as part of an application to address this statutory requirement;
- Net gain does not change existing legal protections for important habitats and wildlife species (referenced below). Biodiversity Net Gain follows the ecological mitigation hierarchy of avoid impacts first, then mitigate and only compensate as a last resort. This should be considered when selecting a site and designing any development;
- Applicants are encouraged to engage with the planning authority before submitting an application in order to identify, understand and seek to resolve issues; this will help to improve both the efficiency and effectiveness of the

planning application process, reduce issues around validation, and improve the quality of the application; and

- For some larger minerals applications where development is being in phases, there are different arrangements available for Biodiversity Gain Plan. In this instance applicants are encouraged to engage with the planning authority regarding a phased approach.

b) **What is Required (Assessments / Reports / Surveys / Plans)**

- As a minimum the application will need to include the national information requirements, outlined within the national information requirements section above. All qualifying development that is granted planning permission will be subject to the national pre-commencement condition securing BNG in connection with the development;
- For larger developments (or sites with higher existing ecological value), a draft Biodiversity Gain Plan should include the following matter;
    - Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat. (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
    - The pre-development biodiversity value of the onsite habitat, including:
        - the relevant date for purposes of calculating the pre-development biodiversity value of onsite habitats;
        - completed biodiversity metric calculation (pre-development);
        - pre-development plans showing the location of onsite habitat (including any irreplaceable habitat); and
    - The post-development biodiversity value of the onsite habitat, including:
        - completed biodiversity metric calculation for onsite;
        - post-development plans showing the location of onsite habitat;
        - Landscape plan(s) / drawings demonstrating an accurate post-development habitat value;
    - A description of arrangements for maintenance and monitoring of habitat enhancement (habitat enhancement must be maintained for at least 30 years after the development is completed). Draft habitat management and monitoring plan, which sets out the proposals for long term delivery and maintenance of habitats, to be secured through planning condition or planning obligation;
    - Any registered off-site biodiversity gain allocated to the development and the biodiversity;
    - Where units are being purchased from a local biodiversity habitat bank, information on the existing scheme. The level of detail required will be dependent on the rarity / value of the habitat being replaced;
    - Where a completely new off-site habitat area is proposed, pre-development and post-development plans and metrics for the off-site provision along with relevant description of the arrangements and the implementation, maintenance, and monitoring of the site / habitat(s) for at least 30 years;

- Any biodiversity credits purchased for the development (only to used when national requirements are demonstrated);
- For any development involving significant onsite or any off-site habitat provision (unless conservation covenants are used), details of draft heads of terms for a legal agreement clearly setting out potential obligations required to secure the biodiversity gains, should permission be granted. These should include implementation, management, maintenance, and monitoring of the habitat(s) for at least 30 years. Please note that where a legal agreement is required it will need to be agreed and completed prior to the commencement of any development granted permission (alongside formally approval of the required Biodiversity Gain Plan).

- Government guidance confirms that no legal agreement is likely to be necessary for non-significant onsite BNG enhancements unless they contribute to locally important species or ecological networks. Non-significant enhancements are habitat enhancements whose loss will not significantly decrease the development's biodiversity value. Applications will still be included in the national application requirements for a valid application and would be subject to the national planning condition securing a Biodiversity Gain Plan.

c) **Key Policy Drivers / Guidance**

- Environment Act (2021);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Planning Practice Guidance - Biodiversity Net Gain;
- DEFRA Guidance – Biodiversity net gain;
- DEFRA Guidance – Statutory biodiversity metric tools and guides**;** and
- DEFRA Guidance – Creating a habitat management and monitoring plan for BNG.

Emerging Development Plan Policy – BNG

In preparing applications, it should be noted that the County Council's emerging policy in the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 proposes requirements in excess of the national requirement of 10% BNG. Draft Policy DM 3 Ecological Impact Assessment states that:

'All development shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications must be supported by a Biodiversity Net Gain Plan and relevant supporting reports that demonstrate net gain will be achieved, implemented, managed and maintained'.

Similarly, as part of the Council's expectation that the highest possible standards of restoration and aftercare will be required, the revised Restoration, Aftercare and After-use policy (Policy DM 19) for considering proposals for minerals extraction and temporary waste management development seeks an enhancement to the national policy requirements regarding Biodiversity Net Gain. The draft DM 19 policy requires that all development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on-site biodiversity net gain shall result from the development.

The above draft policies were agreed by Full Council in December 2023 and will be tested at the local plan examination in 2024. In light of the later issue of the PPG, it is therefore appropriate that prior to the conclusion of the local plan examination, that the validation of planning applications be carried out against the mandatory requirements, along with the requirement (where applicable) for a draft Biodiversity Net Gain Plan and where relevant draft heads of terms for any legal agreement. Assuming policies DM3 and DM 19 are found sound with an enhanced BNG requirements, then the local list would be revised to reflect the local plan policies. In the meantime, the local validation requirements include reference to the emerging local plan policy on an advisory basis.

Preliminary Ecological Assessment (PEA)

a) **When Required / Relevant Proposals**

Required for all applications for major development and recommended for any development where there may be material effects on biodiversity.

Required for all applications which have the potential to affect:

- Protected sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI), Local Wildlife Sites and Local Nature Reserves;
- Development specifically identified within SSSI Impact Risk Zone;
- European and National Protected Species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992);
- Within 100m of Priority Habitats and Species - Habitats of Principal Importance in England (Priority Habitats) and Species of Principal Importance in England (Priority Species), Ancient Woodland, Important Hedgerows or Veteran Trees; and
- Proposals affecting natural or semi-natural vegetation/habitat (e.g., woodland, hedgerows, ponds, and grassland, etc.).

This section should be read in conjunction with the ancient woodland and veteran trees section below.

b) **What is Required (Assessments / Reports / Surveys)**

Preliminary Ecological Appraisal (PEA) is required in most instances. This should provide up-to-date information on habitats on the application site and links to other habitats, species present (or likely to be present), likely impacts, mitigation and

enhancement opportunities. A PEA should also cross reference any biodiversity net gain requirements, on or offsite. For all but the most minor applications, the PEA should include the results of a search from the Kent and Medway Biological Records Centre. Unless there are exceptional circumstances, if an initial PEA is submitted with the application that confirms that further surveys for protected species are required, the application will not be valid unless the required survey is carried out in full, and a report of the findings are submitted with the application (see below).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on biodiversity;
- Section 40 of the Natural Environment and Rural Communities Act (2006);
- Conservation of Habitats and Species Regulations (2017);
- Environment Act (2021);
- Kent Nature Partnership Biodiversity Strategy 2020 to 2045;
- Planning Practice Guidance - Natural Environment /Appropriate Assessment
- Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System;
- Natural England - Standing Advice on Protected Species and Development;
- Natural England – SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA's MAGIC website);
- Biodiversity Action Plan (UK BAP).

Ecological Impact Assessment (EcIA)

a) **When Required / Relevant Proposals**

An **Ecological Impact Assessment (EcIA)** will be required where the PEA identifies the need for habitat and species surveys, these need to be carried out and assessed in an EcIA. In addition, all development proposals including works as set out below will trigger the need for a protected species survey:

Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following;

- Permanent agricultural buildings;
- Buildings with wooden cladding or hanging tiles within 200m of woodland or water;
- Pre-1960 buildings within 200m of woodland or water;
- Pre-1919 buildings within 400m of woodland or water;
- Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures, bridges, aqueducts and viaducts;
- Lighting of churches and listed buildings or floodlighting within 50 metres of woodland, water or hedgerows / lines of trees with an obvious connection to woodland or water;

- Works affecting woodland, or hedgerows / lines of trees with an obvious connection to woodland or water;
- Works that involve the felling or lopping of veteran trees, trees with obvious cracks, holes and cavities or trees with a diameter greater than 1m at chest height;
- Works affecting gravel pits, quarries, natural cliff faces, or rock outcrops with crevices or caves; and
- Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats.

b) **What is Required (Assessments / Reports / Surveys)**

- The EcIA should establish the presence and absence of protected species / habitats, the population levels, any likely impacts and include a scheme of mitigation and compensation;
- Any survey(s) should meet the CIEEM Guidelines and the British Standard for Biodiversity. The work should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines / methods where available. In all cases the documents should demonstrate that ecological mitigation hierarchy has been applied (Avoidance, Mitigation, Compensation, Enhancement). Measures for mitigation, compensation and net gain should be set out in a Biodiversity Mitigation Plan in a way that enables them to be covered by condition.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Section 40 of the Natural Environment and Rural Communities Act (2006);
- Conservation of Habitats and Species Regulations (2017);
- Environment Act (2021);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on biodiversity;
- Kent Nature Partnership Biodiversity Strategy 2020 to 2045;
- Planning Practice Guidance - Natural Environment;
- Planning Practice Guidance - Appropriate Assessment;
- Natural England - Standing Advice on Protected Species and Development;
- Natural England - SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA's MAGIC website); and
- Biodiversity Action Plan (UK BAP).

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Shadow Habitat Regulation Assessment

a) **When Required / Relevant Proposals**

- A **'Shadow' Habitat Regulations Assessment** is required for any project that may affect the protected features of a Natura 2000 or 'Habitat Site' designated for its nature conservation interest (Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites). This includes land or watercourses located beyond the boundaries of a habitat site which support or has the potential to affect the populations for which the habitat site(s) was designated or classified (functionally linked habitat);
- Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zones should be used as a guide to identify projects that need to be considered in accordance with the Habitat Regulations;
- The following table identifies the screening distances from Habitat Sites associated with impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA screening and any application will need to address the potential impacts. The table does not preclude HRA being required in other circumstances.

Pathway	**Screening Distance from a Habitat Site**
Air Quality - Energy from Waste	10 km
Air Quality - Landfill Gas Flares	1 km
Air Quality - Biopathogens	1 km
Air Quality - Dust	500 m
Air Quality - Vehicle Exhaust Emissions	200 m
Water Quality and Flow	No standard distance (use source/pathway/receptor approach)
Disturbance (noise/visual)	1 km from a Habitat Site supporting disturbance sensitive species/populations
Coastal Squeeze	No standard distance - evaluate on a case-by-case basis

- The integrity of a Habitat site will be adversely affected if a proposal could, for example:
  - destroy, damage or significantly change all or part of a designated habitat;

- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats;
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site;
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species;
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology;
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds; and
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives.

- If there is a likely impact the assessment will need to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before the proposal can proceed.

b) **What is Required (Assessments / Reports / Surveys)**

The 2019 Regulations require the applicant to provide sufficient information to enable the local planning authority to complete a Habitat Regulations Assessment, this is normally in the form of a Shadow Habitat Regulations Assessment.

<u>Stage 1 Screening</u>
This step is a simple assessment to screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site; and
- risks having a significant effect on a European site on its own or in combination with other proposals.

This will include consideration of the proposal's design features or characteristics, such as its layout, timing and location to inform the screening decision. These may mean that any risk to a European site is avoided, and an appropriate assessment is not required.

At the screening stage, it is not possible to consider any mitigation measures included by the applicant for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage below.

<u>Stage 2 Appropriate Assessment</u>
An appropriate assessment informed by a Shadow Habitat Regulations Assessment prepared in support of the applications is required where:

- there is a risk of a likely significant effect on a European site; or
- there is not enough evidence to rule out a risk.

The scope and content of an assessment will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. An assessment should be proportionate and sufficient to support the task of the

competent authority in determining whether the project will adversely affect the integrity of a Habitat Site.

An assessment must contain complete, precise, and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project. This includes considering the indirect effects on the designated features and conservation objectives, including the following principles:

- an assessment must catalogue the entirety of habitat types and species for which a site is protected; and
- an assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site, including for the typical species of designated habitats as well as the implications for habitat types and species present outside the boundaries of that site and functionally linked; insofar as those implications are liable to affect the conservation objectives of the site.

Where it cannot be concluded that there will be no adverse effects on a site's integrity, there is a need to consider potential mitigation. Mitigation measures are protective measures forming part of a project and are intended to avoid or reduce any direct adverse effects that may be caused by a plan or project, to ensure that it does not have an adverse effect on the integrity of a habitats site(s). Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice.

In the first instance effort should be made to avoid an adverse effect on site integrity altogether; however, if this is not possible impact reduction measures should be applied. For example, this may involve:

- switching to a less damaging method of construction;
- undertaking works at a less sensitive time of year (e.g. outside a breeding season);
- not proceeding with some parts of the plan or project; and
- incorporating additional works into the plan or project to avoid or reduce its impact.

Any proposal for an Energy from Waste facility within 10 km of a Habitat site will need to demonstrate that either:

- increases in nitrogen or acid deposition from the proposed development alone and in combination with other projects within all Habitat Sites that lie within 10 km constitute less than 1% of the critical load for the most sensitive habitat within the site; or
- if the increase in deposition will be greater than 1% of the critical load, it can be demonstrated that no adverse effect on the designated interest features and integrity of the Habitat Site will result.

Any minerals or waste development that is likely to result in an increase of HGVs on any road that lies within 200 m of a Habitat Site should evaluate air quality impacts within the context of the critical load, and the 1% criterion referred to above.

A proposal will pass the integrity test if an appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the designated site(s).

Stage 3: Derogations

If the proposal fails the integrity test the development will be refused, unless it can pass three legal tests and be granted an exception, known as a 'derogation'.
To decide if the proposal qualifies for a derogation, further information will be requested to address the three legal tests below:

- There are no feasible alternative solutions that would be less damaging or avoid damage to the site;
- The proposal needs to be carried out for imperative reasons of overriding public interest; and
- The necessary compensatory measures can be secured.

c) **Key Policy Drivers / Guidance**

- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019) (the Habitat Regulations);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Planning Practice Guidance - Habitats regulations assessments: protecting a European site;
- Planning Practice Guidance - Appropriate Assessment;
- Natural England - SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA's MAGIC website); and
- Chartered Institute of Ecology and Environmental Management (CIEEM).

Construction Environmental Management Plan

a) **When Required / Relevant Proposals**

- Any development proposing significant new built development, construction period / setting out phase. For smaller scale development unlikely to involve significant construction phases this matter could be covered with the planning statement or by pre-commencement condition;
- Depending on the circumstances and the sensitivity of the surrounding land uses / environment, it may be possible to provide a commitment to address this matter by way of a condition if planning permission were to be granted.

b) **What is Required (Assessments / Reports / Surveys)**

The Plan should include, amongst other relevant matters, initial details on:

- Traffic management plan;
- Layout plan of access onto the public highway, including any temporary construction access arrangements, haul roads or hardstanding;

- Site compound and associated temporary development, including details of any contractors' cabins, generators / plant and equipment;
- Parking for site personnel, operatives, visitors and construction traffic (where relevant);
- Specifications for vehicle turning within the site to enable vehicles to leave the site in forward gear;
- Area(s) for loading and unloading of plant and materials;
- Storage of plant and materials;
- Programme of works including measures for traffic management, vehicle routing, hours of operation (including the avoidance of peak travel / school travel times where necessary), numbers of HGVs and design of delivery area;
- Provision of boundary hoarding / temporary boundary treatment, including visual and acoustic screening (where necessary);
- Hours of working during construction operations;
- Mitigation measures identified in other environment reports – including ecological mitigation measures, protection water resources, transport statement, air quality assessment, etc.);
- Measures for the suppression and control of dust and/or noise during construction;
- Wheel washing facilities (or where relevant measures to prevent mud and debris from construction reaching the highway);
- Details of any construction plant or equipment required on site; and
- Tree / habitat protection measures during construction; and
- Management and enforcement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies on local amenity and highway safety.

<u>Landscape and Ecological Management Plan (LEMP)</u>

a) **When Required / Relevant Proposals**

- Major schemes where there is a need to ensure landscape, ecological and other environmental mitigation is sustained into the future; where adverse environmental impacts of a proposal are made acceptable through reliance upon protection, establishment and/or management of vegetation and wildlife habitats; and where there is a need to integrate ecological, landscape and other environmental mitigation for the benefit of those responsible for ongoing site maintenance and management following construction;
- For minor schemes, such information may be included in the information required for landscape and ecology.

b) **What is Required (Assessments / Reports / Surveys)**

- A Landscape and Ecological Management Plan (LEMP) is a document that is intended for use by those responsible for ongoing maintenance and management of the site landscape and should include the proposed mitigation measures and details of on-going management and maintenance.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);
- Kent Minerals and Waste Local Plan (KMWLP);
- Local Development Plan Policies relating to landscape and ecology;
- Planning Practice Guidance: Natural Environment.

To ensure that the mitigation measures that make the scheme environmentally acceptable can be delivered and sustained into the future in accordance with policy. This includes the appropriate protection and management of existing vegetation, habitats and linkages within and adjoining the site as well as proposed new vegetation.

5. <u>Water Environment</u>

<u>Flood Risk Assessment</u>

a) **When Required / Relevant Proposals**

- Any new development which lies within Flood Zones 2 or 3;
- Any development of 1ha or greater in any flood zone category;
- Any development of less than 1ha in Flood Zone 1 (including a change of use to a development type to a more vulnerable class) that could be affected by a source of flooding other than rivers and the sea (i.e. surface water, reservoirs);
- Development in designated critical drainage areas or where the Environment Agency, Internal Drainage Body or other relevant bodies have indicated there may be a drainage problem;
- Any applications for engineering operations or land raising which may significantly increasing surface water run-off to watercourses and soakaways; and
- Any significant extensions or increases in areas of hard surfacing within the floodplain or adjacent to a main river.

The Environment Agency's standing advice should be followed for minor development or involving a change of use, including in relation to the Flood risk vulnerability classification (Annex 3 of NPPF).

b) **What is Required (Assessments / Reports / Surveys)**

A **site-specific flood risk assessment** should be carried out to assess the flood risk to and from a development site. The assessment should demonstrate how flood risk will be managed now and over the development's lifetime, taking climate change into

account, and with regard to the vulnerability of its use. The flood risk assessment does not need to be carried out in a specific format and should be proportionate to the scale, nature and location of the development and the level of risk.

The assessment should include (as appropriate):

- A location plan showing street names, any rivers, streams, ponds, wetlands, other bodies of water or areas at risk of surface water flooding and other geographical features;
- Site plan showing the existing site, the development proposal and structures which could affect water flow or flood storage capacity;
- Survey showing the existing site levels (Above ordnance datum) and the levels of the proposed development;
- A cross section of the site showing post mineral extraction levels, finished floor or road levels and any other levels that inform the flood risk (e.g., existing raised banks and flood defence walls);
- Whether a proposed development is likely to be affected by current or future flooding from any source;
- An assessment of surface water runoff from the site and whether the development will increase flood risk elsewhere;
- How these flood risks will be managed now and over the lifetime of the development;
- Details of the proposed drainage system and management of surface water runoff;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- Consideration of climate change and how this will be taken into account within the design of the development;
- Opportunities to reduce the probability and consequences of flooding;
- Mitigation measures and emergency evacuation procedures necessary;
- Whether the development type is appropriate for the proposed location given the level of risk and the Flood risk vulnerability classification;
- Where applicable, details demonstrating that the sequential test has been applied - demonstrating that development is located in an area with the lowest risk of flooding given the sites available; and
- Where applicable, details demonstrating the development passes the Exception Test (i.e., the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- Local Development Plan Policies on Flood Risk / drainage;
- Flood and Water Management Act 2010;

- National Planning Policy Guidance - Flood Risk and Coastal Change; and
- Environment Agency guidance on River maintenance, flooding and coastal erosion.

Hydrological and Hydrogeological Assessment

a) **When Required / Relevant Proposals**

- Any development which involves disturbance to the ground that could affect the water table and the movement of water (under and around the site) or involves the use of materials and processes that could result in the pollution of the water environment, particularly development within groundwater Source Protection Zones, Groundwater Vulnerability areas and/or Aquifer Designation areas.

b) **What is Required (Assessments / Reports / Surveys)**

Applications should include:

- Details of existing groundwater levels and surface water drainage within the site;
- Impacts of the development on existing water levels / flows within site and on surrounding land;
- Mitigation measures and management of the impacts;
- Any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses; and
- For applications within a groundwater source protection zone, a risk assessment will be required considering the impact on water quality and resources.

For applications involving dewatering or abstraction, the assessment should also include:

- Calculations of the extent and volumes of dewatering; details of topography and surface drainage, artificial ground, superficial deposits, landslip deposits, rockhead depth, bedrock geology and details of any borehole reports including any information regarding both licensed and unlicensed abstractions, where necessary;
- Details of the natural water table including its depth, source catchment areas and characteristics;
- Consideration of the potential impact upon any wetland SSSIs;
- Evidence that third parties will not be affected by the dewatering, and where there is a potential impact upon public and private water supplies, water bodies or watercourses details of mitigating measures must be included in the application;
- Details of proposed methods of dewatering and proposed methods of water disposal;

- Proposed measures to control potential pollution to protect ground and surface water;
- Any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses; and
- Monitoring of the existing water regime for at least 12 months prior to submission of the application may be necessary, taking account of seasonal variations and in order to ensure that surface and groundwater can be safeguarded.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment & Meeting the challenge of climate change, flooding and coastal change;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on Flood Risk / drainage / groundwater protection; and
- Planning Practice Guidance - Water supply, wastewater and water quality/ Flood risk and coastal change/ Water management.

Drainage Details - Foul / Surface Water Drainage Assessment / Sustainable Drainage Systems (SuDS)

a) **When Required / Relevant Proposals**

- All new development proposals will be expected to provide details of foul and surface water drainage arrangements – whether connecting to existing systems or developing new arrangements – and to confirm that the proposed drainage scheme has sufficient capacity to cope with the demands of the development, taking into account forecasted increased flows due to climate change;
- All major developments should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate (including in relation to any contaminated land or the nature of the proposed development);
- All waste management operations in flood risk areas and where a known drainage problem exists;
- For minor applications, a proportionate assessment of the surface water requirements should be undertaken and any opportunity for the inclusion of SuDS reviewed;
- Drainage assessments may be incorporated in the Flood Risk Assessment where one is required; and
- Any works to be proposed which would affect the flow or storage of water within, or which place or alter a structure/obstruction within, an ordinary

watercourse will require Ordinary Watercourse Consent from the County Council as the Lead Local Flood Authority.

b) **What is Required (Assessments / Reports / Surveys)**

- A **surface water drainage assessment** should be carried out to demonstrate that the development will not create an increased risk of flooding from surface water to the development site and the surrounding area and where appropriate makes use of SuDS.
- An assessment (taking into account different factors including the layout of the site, the topography and geology) demonstrating how any surface water generated from the development will be controlled as near to its source as possible. A drainage strategy (including FRA where applicable, proposed drainage layout and calculations) shall be submitted to demonstrate that the development does not flood or increase flooding downstream (allowing for climate change).
- Sustainable drainage for the site shall be proposed in accordance with SuDS surface water management hierarchy of prevention, reduction, source control, site control and regional control (the accepted hierarchy of surface water discharge options is infiltration, then attenuation and discharge to watercourse, surface water sewer, another sewer). Evidence shall be provided to demonstrate that the most sustainable strategy is proposed taking into account flood risk, site layout, topography, geology, etc.
- Where the intention is to incorporate infiltration SUDS, their feasibility shall be demonstrated through approved intrusive geotechnical surveys to establish infiltration rates, ground water levels and ground contamination. Should actual infiltration rates (via intrusive tests) not be readily available (reason to be stated in drainage strategy), desktop study demonstrating evidence of likely ground conditions (from British Geological Survey or other sources) of the site should be used. In such instance, an alternative strategy shall also be submitted to demonstrate how the site would drain if infiltration is not feasible or acceptable.
- Should it be proposed to dispose of surface water into a watercourse, surface water sewer, highway drain or another drainage system, the application should be accompanied by evidence that the runoff rates are being restricted to greenfield values and the system has adequate capacity downstream and is in a suitable state to accept the water. Where an application is part of a larger site which already has planning permission it is essential that the application demonstrates that the development would not compromise the drainage scheme already approved.
- The application / assessment should include confirmation of land ownership for all land required for drainage and any relevant permissions.
- Scale plans of the drainage arrangements will need to be provided.

Foul Drainage Assessment – For proposals involving the disposal of trade waste or the disposal of foul sewage effluent, a more detailed foul drainage assessment will be required including details of the method of storage, storage capacity, management, treatment and disposal of foul drainage.

SuDS Management Plan should be provided in support of any proposed system, this should include:

- Details of the body responsible for different elements of the Surface Water; Drainage System and maintenance for individual aspects of the drainage proposals;
- A management statement outlining the management goals for the site and required maintenance;
- Description of maintenance schedule; and
- A site plan including access points, easements and outfalls.

If planning permission is granted for a development including new or amended drainage arrangements, a condition securing a verification report on completion of the development demonstrating that the scheme(s) have been implemented as agreed is likely to be included on any planning permission.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on flood risk and drainage;
- The Water Environment Regulations (2017);
- Planning Practice Guidance - Water supply, wastewater and water quality;
- Planning Practice Guidance - Flooding and Coastal Change;
- The Environment Agency.

6. Air Quality

Air Quality Assessment

a) **When Required / Relevant Proposals**

- Any application that would result in new emissions to air from waste management processes, mineral extraction, processing facilities and/or proposals likely to generate dust emissions - including applications involving screening, crushing, chipping, blending, grading, composting land raising, landfilling, or construction;
- Applications inside or adjacent to an Air Quality Management Area (AQMA), including where vehicles associated with a development would pass through a local AQMA to reach the site;
- Applications that are likely to generate significant vehicle movements (as defined by the Institute of Air Quality Management (IAQM) guidance (or subsequent updates)) Indicative criteria requiring an Air Quality Assessment:
  - An increase of 25 Heavy Duty Vehicle (HDV) (>3.5t) or 100 Light Duty Vehicles (LDV) (<3.5t) movements within/adjacent to AQMA; or
  - An increase of 100 HDV or 500 LDV anywhere.
- Sites within or adjacent to (within 500m) sensitive nature conservation designations (SACs, SPAs, RAMSARs, SSSI's, etc);

- Development likely to generate dust where there are sensitive human or ecological receptors within 350m of the site boundary or within 50m of access route(s) used by HGVs (including on the public highway up to 500m from the site entrance(s)); and
- Any application likely to result in odours or bioaerosols due to the waste streams that would be managed.

b) **What is Required (Assessments / Reports / Surveys)**

Air Quality Assessment - The Assessment should be proportionate to the nature and scale of the proposed development and the level of concern about air quality. The following information could be included in the assessment:

- A description of baseline conditions and how these could change;
- Relevant air quality concerns;
- Sensitive locations and receptors (including human and ecological receptors);
- Assessment methods to be adopted and any requirements around verification of modelling air quality;
- The basis for assessing impact and determining the significance of the impact;
- Assessment of mineral extraction, including phased working, any other operational and construction phase impacts;
- Assessment of any vehicle emission to air including nitrogen dioxide (NO2) and suspended particulate matter (PM2.5 and PM10);
- Acceptable mitigation and/or compensation measures that will be applied to avoid adverse impacts, including where necessary: appropriate design and layout of the site; management of the site (e.g. Dust Management Plans); use of appropriate equipment; appropriate control and mitigation measures; details of any ventilation or extraction equipment; and an appropriate scheme of on-going dust monitoring;
- Where a local Air Quality Action Plan is in place the proposed development should demonstrate compliance with that Plan;
- Measures to monitor and report on emissions to ensure compliance with the appropriate environmental standards;
- Measures and action plan to enable an effective response to complaints; and
- Also see dust impact assessment / odour impact assessment / management plan / bioaerosol management plan sections below (where relevant these considerations can be considered in a suitable air quality assessment or separately).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on air quality;
- Locally designated Air Quality Management Areas (AQMAs) / Air Quality Action Plans; and
- Planning Practice Guidance - Air quality.

Dust Impact Assessment / Odour Impact Assessment / Management Plan

a) **When Required / Relevant Proposals**

- Any application that would result in new emissions to air from mineral extraction and processing or waste management processes and/or proposals likely to generate dust emissions (where these requirements are not covered by an air quality assessment) – including applications involving screening, crushing, chipping, blending, grading, composting land raising, landfilling, or construction;
- Sites within or adjacent to (within 500m) sensitive nature conservation designations (SACs, SPAs, RAMSARs, SSSI's, etc);
- Development likely to generate dust or odour where there are sensitive human or ecological receptors within 350m of the site boundary or within 50m of access route(s) used by HGVs (including on the public highway up to 500m from the site entrance(s)); and
- Any application likely to result in odours or bioaerosols due to the waste streams that would be managed.

b) **What is Required (Assessments / Reports / Surveys)**

Dust Impact Assessment / Odour Impact Assessment / Management Plan (if not covered by Air Quality Assessment) will normally be required where dust or odour is likely to be an issue. Any assessment(s) should include:

- Details of baseline conditions of the existing climate around the site (including meteorological characteristics);
- Identification of the receptors that could be affected by the emissions arising from the proposed operation;
- Details of potential emission sources associated with the proposed development (both during construction and once operational) including the activities and materials involved (including a brief outline of quantities, duration, methods of handling and storage, etc.);
- Details indicating the change to baseline conditions resulting from the proposed development (including magnitude of emissions (after control by measures incorporated into the scheme); dispersion and dilution taking into account distance, orientation, local terrain and features, and other relevant factors; sensitivity of the receptors (including health and/or ecology effects); any likely cumulative effects;
- Details of avoidance, management and mitigation measures, including design features, management controls (e.g., Management Plan) and, where appropriate, engineering controls;
- A conclusion on the significance of the overall residual air quality effect;
- Details of a reporting and monitoring mechanism to enable effective response to any complaints; and
- Where appropriate, proportionate dust monitoring and reporting to check the ongoing effectiveness of controls and mitigation.

c) **Key Policy Drivers / Guidance**

- See Air Quality Assessment section above.

Bioaerosols Risk Assessment

a) **When Required / Relevant Proposals**

- Any application proposing the management of putrescible waste not previously assessed (where bioaerosols are not covered by an air quality assessment); or
- Any application that has the potential to suspend biologically active particles in the air and there are sensitive receptors (a place where people live or work) within 350m of the site boundaries. Proposed uses requiring assessment include composting facilities, anaerobic digestion, chipping or shredding activities, wastewater treatment, waste transfer stations, materials recycling facilities and putrescible landfill sites.

b) **What is Required (Assessments / Reports / Surveys)**

- A Bioaerosols Risk Assessment should include quantity of waste to be handled, method of waste treatment (open / enclosed), an assessment of the potential impacts and information demonstrating that bio-aerosols could be maintained no higher than acceptable levels at the sensitive receptors. This should follow best practice, including details of the method of assessment, a Source – Pathway – Receptor model, proposed control measures and a risk assessment based on the above information.

c) **Key Policy Drivers / Guidance**

- See Air Quality Assessment section above.

Ventilation/ Extraction Details

a) **When Required / Relevant Proposals**

- Any new or extended building developments where substantial ventilation or extraction equipment is to be installed.

b) **What is Required (Assessments / Reports / Surveys)**

- Details of the position and design of any ventilation or extraction equipment, including dust management and odour abatement techniques and acoustic characteristics.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;

- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan.

Health Impact Assessment

a) **When Required / Relevant Proposals**

- Any applications where development proposals have potential to impact on the health and well-being of communities and health infrastructure.
- Proposals to manage hazardous waste or for waste to energy facilities.

b) **What is Required (Assessments / Reports / Surveys)**

An assessment should consider the potential health impacts of a proposed development. It should include:

- Consideration of the potential for emissions to the environment, taking account of any emissions to air, ground or water, noise impacts, vehicle movements, vibration, nighttime working, external lighting, amongst other matters;
- Consideration as to whether the development could have direct or indirect impacts on health, mental health or wellbeing of the local community or environmental living conditions; and
- Recommendations to help avoid or minimise any negative consequences and where possible enhance the positive consequences for health.

Any assessment should be informed by the conclusions of any relevant assessment prepared in response to the other local requirements within this list.

Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting healthy and safe communities;
- National Planning Policy for Waste (NPPW);
- Health Impact Assessment Tools - Department of Health; and
- Health Impact Assessment in spatial planning: a guide for local authority public health and planning teams.

Noise Impact Assessment / Vibration Assessment (Including vibration from traffic / plant / equipment)

a) **When Required / Relevant Proposals**

- All applications for potentially noisy developments and uses where the development is likely to raise issues of disturbance to the occupants of nearby

buildings and in certain circumstances noise sensitive species, habitat or rural landscapes.

- Proposals involving:
  - the use of mobile site plant, processing plant or machinery (for example crushers, screeners, conveyors, or trommels);
  - Engineering activities such as earth moving, bund creation or soil stripping;
  - A regular and significant increase in movements of larger vehicles; and
  - A material increase in operations at night or outside normal working hours.
- Sites within or adjacent to designated (International, National or Local) Nature Conservation sites, a National Landscape (AONB) or tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value are likely to be more sensitive to noise.
- Any waste proposals where either operational development or construction activities have the potential to cause impacts or nuisance from vibration, including significant piling operations, use of large plant to compact a site or a significant increase in HGV movements close to sensitive receptors.
- Any mineral proposals where preparation, extraction, processing and restoration operations have potential to cause impacts or nuisance from noise and vibration from enabling earthworks, (including use of heavy earthmovers and other plant), creation of haul roads, use of equipment for digging, scraping or blasting, use of plant and equipment for processing operations and HGV movements to and from the site close to sensitive receptors.

b) **What is Required (Assessments / Reports / Surveys)**

The **Noise Impact Assessment** should be carried out in accordance with best practice and guidance. The assessment should include:

- Relevant existing background noise levels (normally established by measurements carried out at a similar time of day to the potential impacts);
- Details of the surrounding topography and prevailing wind conditions;
- Indicative noise levels for the proposed development, including likely sources of noise (including plant, machinery, vehicle movements);
- Potential impacts on neighbouring properties (particularly noise sensitive properties) and/or natural environment/ ecological receptors, including noise from the proposed development (including cumulative effects) using prediction and measurement techniques as appropriate for any potential noise sensitive development in the locality;
- Proposed measures to mitigate and reduce to a minimum potential adverse impacts resulting from noise – and avoid noise giving rise to significant adverse impacts on health and the quality of life for the duration of the proposed development;
- An assessment of the impact of noise on receptors following implementation of the mitigation measures;
- Measures to monitor and report noise emissions to ensure compliance with the appropriate environmental standards and to enable an effective response to complaints; and

- Based on the conclusions of the noise assessment, suggested noise conditions and controls that could be put in place to ensure a development does not have adverse impacts.

A **Vibration Assessment** of risk or nuisance from any source of vibration to sensitive receptors. The assessment should be carried out by a competent person(s) with suitable qualifications and experience in accordance with best practice (including the relevant British Standards).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Noise Policy Statement for England;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on noise and pollution impacts;
- Noise Policy Statement for England;
- Planning Practice Guidance – Noise;
- British Standard BS4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound;
- British Standard BS5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites. Noise";
- Advice should be sought from a qualified acoustic specialist;
- British Standard BS 6472-1:2008 – Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting;
- British Standard BS 7385-2:1993 – Evaluation and measurement for vibration in buildings - Guide to damage levels from ground-borne vibration; and
- British Standard BS 5228-2:2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites - Vibration.

7. Transport Statement / Transport Assessment / Vehicle Parking Arrangements / Travel Plan and Public Rights of Way

Transport Statement

a) **When Required / Relevant Proposals**

A Transport Statement (TS) is required for smaller scale development that is unlikely to have major impacts on the transport network, however, are still likely to have an impact at a local level on the immediate transport network.

b) **What is Required (Assessments / Reports / Surveys)**

The detail in a **TS is** a simplified version of a transport assessment where the transport issues arising from development proposals are limited and a full transport assessment is not required. The content will vary from site to site and should be proportionate to scale of the development proposed. In general following should be considered:

- Details of the proposed development, site layout (particularly proposed transport access and layout access across all modes of transport);
- Information on the existing or proposed access arrangements, including the width of the access and details of associated visibility splays (shown on a plan). If the access is to be altered or a new one proposed details should be included with the method of construction;
- Where the proposed development would replace an existing land use (in part or fully), details of the current land use and the maximum volumes of traffic resulting from the existing use, including details of associated planning permissions and any previous assessment or existing planning conditions mitigating any highway impacts;
- Details of neighbouring land uses, amenity and character;
- A summary of the routes to be used by the application site vehicles between the site and the primary road network, or alternatively, roads which the applicant may seek to prohibit site vehicles using, should be provided. This should include details of the classification and character of the routes required to access the site;
- Information about existing public transport provision, including provision/frequency of services and proposed public transport changes;
- A description of the travel characteristics of the proposed development including movements across all modes of transport that would result from the development. Where transportation by means other than by road details should be provided;
- The likely average and maximum daily vehicle movements generated by the proposed development; a breakdown of quantity and type of traffic associated with the various activities (i.e. Heavy Goods Vehicles (HGVs), Light Goods Vehicles (LGVs) or cars);
- Details of the average and maximum load capacity of the HGVs / LGVs proposed (in tonnes and/or cubic metres) and how this relates to the maximum annual throughput of the proposal;
- Details of how the vehicle movements would be spread over a typical working day particularly in relation to any peak periods, and any variations during the construction / operational phases of the development;
- A description of the parking facilities in the area and the parking strategy of the development, including on-site parking provisions (shown on a plan);
- Details demonstrating provision for loading/unloading on site and manoeuvring of vehicles entering, exiting and within the site allowing for the maximum vehicle size and number of vehicles waiting to load or unload;
- Ways of encouraging environmental sustainability by reducing the need to travel (including measures to encourage walking and cycling, cycle parking and changing facilities;
- Measures to mitigate the residual impacts of development (such as such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours, improvements to the public transport network, provision of facilities to encourage walking and cycling, and physical improvements to existing roads);
- Details of traffic management during construction, including access arrangements, vehicle manoeuvring on site, loading and unloading, parking,

wheel cleaning (also see Construction Environmental Management Plan section above);
- Measures proposed to minimise/prevent the deposit or spread of mud, debris, or waste materials onto the public highway; and
- Where a public of way is affected by the proposed development, detail should be provided.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on highway safety and capacity, transport management and vehicle parking; and
- Planning Practice Guidance – Travel Plans, Transport Assessments and Statements.

Transport Assessment

a) **When Required / Relevant Proposals**

A **Transport Assessment (TA)** is required for all major development where the traffic or person trips are significant in both volume and area of impact. A Transport Assessment is likely to be required for development:

- Generating a 10% increase in HGV movement (considered on a case-by-case basis);
- Generating 30 or more two-way vehicle movements per hour. 100 plus two-way vehicle movements per day; and
- Any development proposing HGV movements within or adjacent to an AQMA (also see Air Quality section).

Applicants are advised to discuss this matter during pre-application discussions. If the proposals have an impact on the Strategic Road Network, the applicant should discuss the proposals with National Highways and the Local Highway Authority.

b) **What is Required (Assessments / Reports / Surveys)**

The detail in a **TA** will vary from site to site and should be proportionate to scale of the development proposed. A TA is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed to deal with the anticipated transport impacts of the development.

When a development is EIA, a Transport Assessment can be included with the Environmental Statement. When this is the case, it will, however, need to consider the environmental impact of the traffic not just the impact on the highway network.

The TA should include all of the information required to be submitted in a TS in addition to the following:

- Details of the proposed development, site layout (particularly proposed transport access and layout access across all modes of transport);
- Transport access across all modes of transport;
- Where the proposed development would replace an existing land use (in part or fully), details of the current land use and the maximum volumes of traffic resulting from the existing use, including details of associated planning permissions and any previous assessment or existing planning conditions mitigating any highway impacts;
- Details about neighbouring uses, amenity and character;
- Existing functional classification of the nearby road network including the routes to site from the primary road network;
- Information about existing public transport provision, including provision/frequency of services and proposed public transport changes;
- A qualitative and quantitative description of the travel characteristics of the proposed development allowing for a worse-case scenario, including movements across all modes of transport that would result from the development. Details of average and maximum daily vehicle movements generated; a breakdown of quantity and type of traffic associated with the various activities (i.e. Heavy Goods Vehicles (HGVs), Light Goods Vehicles (LGVs) or other private motor vehicles (staff / visitors));
- Details of the average and maximum load capacity of the HGVs / LGVs proposed (in tonnes and/or cubic metres) and how this relates to the maximum annual throughput of the proposal;
- Details of how the vehicle movements would be spread over a typical working day particularly in relation to any peak periods, and any variations during the construction / operational phases of the development;
- Details of traffic management during construction, including access arrangements, vehicle manoeuvring on site, loading and unloading, parking, wheel cleaning (also see Construction Environmental Management Plan section above);
- A summary of the routes to be used by the application site vehicles between the site and the primary road network, or alternatively, roads which the applicant may seek to prohibit site vehicles using, should be provided. This should include details of the classification and character of the routes required to access the site;
- An assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years);
- Information about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) and within the study area and identification of critical links and junctions on the highways network;
- An analysis of the injury accident records on public highway in the vicinity of the site access for the most recent 3-year period or 5-year period if the proposed site has been identified as within a high accident area;

- An assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive or residential areas (such as AQMAs);
- Measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms;
- A description of the parking facilities in the area and the parking strategy of the development;
- Details demonstrating provision for loading/unloading on site and manoeuvring of vehicles entering, exiting and within the site allowing for the maximum vehicle size and number of vehicles waiting to load or unload;
- Ways of encouraging environmental sustainability by reducing the need to travel;
- Measures to mitigate the residual impacts of development (such as such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours, improvements to the public transport network, provision of facilities to encourage walking and cycling, and physical improvements to existing roads);
- Measures proposed for to minimise/prevent/ the deposit or spread of mud, debris, or waste materials onto the public highway; and
- Existing and proposed access details (including visibility splays).

Assessments should be based on normal traffic flow and usage conditions (e.g., non-school holiday periods, typical weather conditions etc.). It may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on highway safety and capacity, transport management and vehicle parking; and
- Planning Practice Guidance – Travel Plans, Transport Assessments and Statements.

<u>Vehicle Parking Arrangements</u>

a) **When Required / Relevant Proposals**

- Details of **parking arrangement** are required for all new, or major extensions to, development, allowing for staff, visitors and commercial / operational parking arrangements on site.

b) **What is Required (Assessments / Reports / Surveys)**

- Plans showing layout of existing and proposed parking arrangements for HGV's, staff and visitor parking.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies relating to local amenity and highway safety.

Travel Plan

a) **When Required / Relevant Proposals**

- A **Travel Plan** is required for development likely to create significant new employment and/or significant visitors to a development.

b) **What is Required (Assessments / Reports / Surveys)**

- **Travel Plan** – For development proposals likely to generate significant travel movements, a Travel Plan will be required to demonstrate how travel generated by the development (including during construction/development phase as appropriate), and how use of sustainable transport options, would be encouraged. The Travel Plan must set out a strategy for managing and reducing the dependency on the private car, which shall include objectives and modal-splits targets, a programme of implementation and provision for monitoring, review and improvement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies relating to local amenity and highway safety.

Public Rights of Way Statement (including byways, bridleways and public footpaths)

a) **When Required / Relevant Proposals**

- Any development proposal that has the potential to directly affect a public right of way either by obstructing it or potentially causing inconvenience or other risk to its users.

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b) **What is Required (Assessments / Reports / Surveys)**

The statement should detail:

- How the development or proposal would affect the public right of way network (including relevant plans and drawings);
- How the development would incorporate / mitigate any rights of way on site;
- Any requirements for diversion or stopping up of any part of the network with details of the timescales and period of closure;
- Provision of acceptable alternative route(s) that is both safe and convenient for users, during operations and following restoration of the site; and
- Opportunities to improve the right of way network, including wherever possible improved access into and within the countryside.

Please note that changes or temporary closure of the public footpath, including any disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development requires a separate permission from the local Highway Authority. Please contact Kent Public Rights of Way and Access Service to discuss this requirement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Open space and recreation;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies; and
- Kent County Council Public Rights of Way.

8. Green Belt Statement

a) **When Required / Relevant Proposals**

- All new built development, change of use or extended use proposals located in the Green Belt. Essential for proposals that would be considered inappropriate development as defined by the NPPF.

b) **What is Required (Assessments / Reports / Surveys)**

The **Green Belt Statement** should include:

- A justification for the proposed development and its location in the Green Belt;
- Consideration as to whether the proposals should be considered appropriate or inappropriate development in the Green Belt;
- For inappropriate development, details of alternative sites outside the Green Belt that have been investigated and reasons for rejection as an alternative proposal;
- For inappropriate development, factors that (alone or in combination) amount to very special circumstances which clearly outweighs harm by reason of inappropriateness and any other harm to the Green Belt;
- How the proposed development has been designed and located to reduce the impact on the openness of the Green Belt; and

- For extensions to buildings or replacement buildings in the Green Belt, volume calculations (measured externally) of the existing building, the proposed extension/replacement building and any previous extensions to the building.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Protecting Green Belt Land;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies in west Kent relating to the Metropolitan Green Belt; and
- Planning Practice Guidance - Green Belt.

9. Landscape, Landscaping & Trees

National Landscape Statement (formerly Area of Outstanding Natural Beauty (AONB))

a) **When Required / Relevant Proposals**

- All applications for development within or affecting the setting of a National Landscape (AONB).

b) **What is Required (Assessments / Reports / Surveys)**

For **all applications**, the statement should include an assessment of:

- The existing site and how it contributes to the wider landscape's natural beauty and special qualities with reference to relevant landscape character assessments and AONB Management Plans;
- The nature of the impact of the development (i.e. negative, neutral or positive) and resulting site character;
- Measures that would mitigate adverse effects on the National Landscape (AONB), natural beauty and special qualities; and
- The statement should cross-refer to relevant content within submitted Landscape and Visual Impact Assessments, Lighting Impact Assessments and Noise Impact Assessments where these are also required.

For **all new minerals and significant waste development**, the statement should also demonstrate exceptional circumstances by including an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);

- Planning Practice Guidance: Natural Environment;
- Countryside and Rights of Way Act 2000; and
- Kent Downs and/or High Weald AONB Management Plans and associated policies and guidance.

Landscape and Visual Impact Assessment / Townscape Assessment / Landscape Visual Appraisal

a) **When Required / Relevant Proposals**

- Required for any proposal that due to its size, scale or location may have a significant visual impact on surrounding landscapes or townscapes having regard to public viewpoints and the sensitivity of the landscape, including the Kent Downs National Landscape (AONB), the High Weald National Landscape (AONB) and their setting, landscape designations, Conservation Areas, listed buildings, historic landscapes and/or rural lanes.
- In most cases a full Landscape and Visual Impact Assessment will be required, however in some cases a Landscape Visual Appraisal may be sufficient.

- For simpler developments, the appraisal could be achieved within a planning statement accompanied by photographs from identified public viewpoints, to provide an informal assessment.
- For significant development within a National Landscape (AONB) the presumption is to refuse permission, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

b) **What is Required (Assessments / Reports / Surveys)**

An Assessment should include:

- An assessment and evaluation of the landscape / townscape character and the potential impact the proposed development may have on landscape / townscape features;
- Details of visual receptors (e.g. PROWs, public open spaces / public vantage points, residential properties, other sensitive locations) should be included together with other important features and views;
- Details of relevant Landscape / Townscape Character Assessment undertaken;
- Photographs, visualisations and photomontages to be provided as appropriate.
- Proposed mitigation measures (e.g. screening, landscaping, design etc), addressing any phased development as appropriate; and
- Landscape/Townscape and Visual Impact Assessments should be carried out by an appropriate professional in accordance with best practice.

Additional for major proposals the assessments should include Site Restoration Plans, a Landscape Strategy and an Aftercare Strategy.

- For major development within a National Landscape (AONB) the application needs to include an Exceptional Circumstances Test is required. This should seek to demonstrate that the development is in the public interest. The submitted information should address:

  a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape/countryside character, Areas of Outstanding Natural Beauty (AONB), Special Landscape Areas, Conservation Areas, Listed Buildings, historic landscapes, rural lanes, etc;
- National Planning Practice Guidance – Natural environment;
- Natural England & DEFRA guidance on Landscape;
- Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026;
- The High Weald AONB Management Plan 2019-2024; and
- Landscape Institute Guidelines for Landscape and Visual Impact Assessment.

Landscaping Scheme / Strategy

a) **When Required / Relevant Proposals**

- Likely to be required for most mineral and waste proposals. Details should be proportionate to the size, nature and scale of the proposal. Details of any proposed landscape planting should be included on the submitted site plans.
- Where landscape planting/screening is integral to the development proposals (for example, as identified within a LVIA report) then a detailed landscape strategy will also be required.
- In some cases, this requirement could be secured by planning condition, however, for more complex applications and those affecting sensitive locations (such as Green Belt or National Landscapes (AONB), full details may be required to demonstrate that the strategy is adequate to mitigate the landscape and visual impacts of the development proposed.
- Where proposals involve development close to or over the footprint of established trees the application will require a suitable assessment (proportionate to the potential level of impact). Please see Tree Survey (Arboricultural Assessment) section below. This should be prepared in tandem with any Landscaping Scheme or Strategy.

- Where the proposed landscape plan also forms part of any ecological mitigation proposed the scheme needs to support the biodiversity assessments, biodiversity net gain and any requirements under the Habitat Regulations (see sections above).

b) **What is Required (Assessments / Reports / Surveys)**

A Landscaping Scheme / Strategy should include:

- Details of any existing landscape features, trees and hedgerows on the site;
- Proposed finished ground levels, sections and soil management strategy where significant earthworks are required;
- Details of any trees and hedgerows to be retained and measures for their protection during the period of works/construction;
- Seeding details for temporary bunds;
- Details of areas to be planted with native species of local provenance [with species such as Ash and Elm avoided where possible] and as a minimum, a schedule of plants, noting species, plant or stock size, and proposed spacing, numbers or planting densities, notes on cultivation, protection and timing of planting;
- Details of maintenance and management of the scheme; and
- Details of hard landscaping (e.g. paving, fencing, retaining walls etc) including materials, colours etc.

For larger and more complex applications**:**

- A landscape scheme should show how the proposal reflects any landscape assessment, and/or is informed by, the existing features and landscape character both within, and in the vicinity of, the site;
- A landscape management plan may be required consisting of a plan, showing management areas for each landscape type or feature, and a report with descriptions of each landscape type of feature, management objectives, prescriptions and annual operations (accounting for any phased development), a matrix indicating timing of annual operations, and responsibilities and timescales for implementation, monitoring and review; and/or
- Landscape and Ecology Management Plan (LEMP) is likely to be required for nature conservation-based restoration schemes. Where relevant it should include landscape/habitat restoration and enhancement and new landscape features to compensate for those lost to development.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape, tree and hedge protection;
- Kent Design Guide;
- Kent Downs or High Weald National Landscape Management Plans;

- Landscape Institute Guidelines for Landscape and Visual Impact Assessment; and
- Landscape and Ecological Management Plan (LEMP).

Tree Survey / Tree Constraints Plan / Arboricultural Assessment / Tree Protection Plan

a) **When Required / Relevant Proposals**

- Any development proposal which is likely to affect trees or hedgerows within and adjacent to the development site, either directly by loss or damage, or indirectly by developing in close proximity to trees and therefore potentially reducing their lifespan. This section should be read in conjunction with the ecology and biodiversity sections above.

b) **What is Required (Assessments / Reports / Surveys)**

- Where a proposal involves work that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be shown accurately on a plan. The location of any trees within adjacent sites, including highway trees, which may be affected by the application should be shown;
- Any trees which are to be felled or are otherwise affected by the proposed development should be identified;
- Information regarding which trees are to be retained and the means of protecting retained trees during construction works / proposed operations should be provided, including a root protection plan;
- Development involving the loss of trees should include provision for suitable replace / mitigation measures as part of a landscape or restoration plan;
- For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey and arboricultural report with the application. The report is generally required to assess the impacts on trees affected, their health, their value to local amenity / local landscapes and how tree loss / damage will be mitigated. Any survey prepared in support of an application would benefit from preparation by a suitably qualified and experienced arboriculturist; and
- A biodiversity assessment is likely to be required where significant trees or important hedgerows are to be removed (impacting upon important habitats for protected species such as breeding birds and bats – also see ecology section).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on tree and hedgerow protection;
- Planning Practice Guidance – Planning applications affecting trees and woodland;

- Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas;
- Planning Practice Guidance – Ancient woodland, ancient trees and veteran trees: advice for making planning decisions;
- British Standard BS 5837:2012 - Trees in relation to design, demolition and construction; and
- Forestry Commission, including information on Fell Licences.

Ancient Woodland/Veteran Trees

- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists (see NPPF for further guidance).
- This section should be read in conjunction with the ecology and biodiversity sections above.

a) **When Required / Relevant Proposals**

- Where Preliminary Ecological Appraisal (PEA) (see ecology section above) identifies that the development would have adverse impacts on an ancient woodland. See National Ancient Woodland Inventory, published and updated by Natural England.
- Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Tree surveys and site assessments may be needed to identify the ancient and veteran trees on a site (also see Tree Survey section). Further guidance on ancient and veteran trees is set out in the Forestry Commission and Natural England standing advice and the Woodland Trusts Ancient Tree Inventory.
- Note this also applies to 'ancient', 'aged' or 'veteran' trees on site or within 100m of the development.

b) **What is Required (Assessments / Reports / Surveys)**

- An impact assessment to be provided. To consist of an appraisal of the biodiversity and historic features of the ancient woodland or veteran tree(s) and an assessment of how they are affected by the development. This assessment should include ecological and historic surveys;
- Ecological surveys should follow terrestrial habitats guidance approved by the Chartered Institute of Ecology and Environmental Management (CIEEM);
- The assessment will need to cover direct impacts on the habitat(s), species, and archaeological features, as well as secondary impacts resulting from changes in air, soil and water quality, disturbance, or fragmentation; and

- The assessment should state the controls and mitigation, including a 15m buffer zone between the development and the edge of the ancient woodland and veteran trees that will be applied to avoid adverse effects (see Natural England and Forestry commission standing advice - GOV.UK). Tree surveys should be in accordance with guidance in British Standard BS:5837 2012 'Trees in relation to demolition, design and development'.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on tree and hedgerow protection;
- Planning Practice Guidance – Planning applications affecting trees and woodland;
- Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas;
- Planning Practice Guidance – Ancient woodland, ancient trees and veteran trees: advice for making planning decisions;
- British Standard BS 5837:2012 - Trees in relation to design, demolition and construction;
- Forestry Commission;
- Natural England and Forestry Commission Standing Advice on Ancient Woodland and veteran trees including information on Fell Licences;
- Veteran Trees: A Guide to Good Management; and
- Managing ancient and native woodland in England.

10. Lighting Assessment / Details of Lighting Scheme

a) **When Required / Relevant Proposals**

- All development proposing external lighting within a National Landscape (formerly AONB), or which has potential to impact either neighbouring property / land uses, protected species or the visual amenity of more sensitive locations (including on dark skies);
- Installation of external lighting on buildings may only require submission of outline details with the application. Where more significant new lighting is proposed, such a floodlighting, or lighting of car parks, open land, or yards a Lighting Assessment prepared by a suitably qualified lighting engineer is likely to be required;
- A Lighting Assessment may also form part of an Ecological Assessment where there is potential for adverse impact on Protected Species or habitats within or adjoining designated sites. This is particularly relevant where bats are present (see the Ecology section above).

b) **What is Required (Assessments / Reports / Surveys)**

A **lighting assessment / scheme** should include:

- Details of the location, height, design, luminance and operation of all external lighting;
- Justification for the proposed lighting design including consideration of less intrusive lighting schemes (if appropriate), and details of any measures taken to reduce the potential for light pollution, spill, or disturbance;
- An assessment of the light spill and its impact on both nearby properties (especially residential) and on the wider setting, considering lighting in the countryside and other dark sky areas;
- Lighting drawing showing lux levels on the ground, angles of tilt and average lux (minimum and uniformity) for proposed lighting;
- Details of proposed hours of operation, including any lighting required outside normal operating hours;
- Measures for unforeseen impacts and monitoring;
- Identification of areas/features on site particularly sensitive for bats and those likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g. foraging);
- Details demonstrating that areas to be lit will not disturb or prevent bats using their territory or having access to breeding sites and resting places; and
- Details of any other mitigation measures considered necessary to minimise the impact of the lighting on the surrounding environment and existing land uses.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Ground conditions and pollution;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on lighting and pollution impacts;
- Planning Practice Guidance – Light Pollution;
- Bat Conversation Trust - Guidance on bats and lighting; and
- The Institution of Lighting Professionals - Guidance Note GN01/21 The Reduction of Obtrusive Light.

11. Glint and Glare Assessment

a) **When Required / Relevant Proposals**

- A Glint and Glare Assessment will be required for solar photovoltaic array developments.

b) **What is Required (Assessments / Reports / Surveys)**

A Glint and Glare Assessment should include the following:

- Identify receptors in the area surrounding the solar development;
- Consider direct solar reflections from the solar development towards the identified receptors by undertaking geometric calculations;

- Consider the visibility of the panels from the receptor's location. If the panels are not visible from the receptor, then no reflection can occur;
- Based on the results of the geometric calculations, determine whether a reflection can occur, and if so, at what time it will occur;
- Consider both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position; and
- Consider the solar reflection with respect to the published studies and guidance.

The aim of the Glint and Glare Assessment is to ensure that the solar development area is defined alongside the relevant receptor locations. The result would be a chart that states whether a reflection can occur, the duration and the panels that can produce the solar reflection towards the receptor which will be used to determine whether a significant detrimental impact is expected.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change and Conserving and enhancing the natural environment, sustainable development;
- Planning Practice Guidance - Renewable and low carbon energy;
- National Policy Statements for Energy Infrastructure;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on environmental and landscape matters, achieving a high-quality environment) and mitigation of development impacts.

12. Sustainable Design and Construction Assessment / Renewable Energy Assessment (including consideration of the potential impact of climate change)

a) **When Required / Relevant Proposals**

- Required for all applications for major development, especially any new or extended building or engineering works.

b) **What is Required (Assessments / Reports / Surveys)**

- The assessment should seek to demonstrate how the proposed development has sought to address key sustainability issues, including in relation to environmental, social, and economic implications as set out in the NPPF;
- Details of how sustainable design and construction have been addressed and any proposed renewable energy technologies (including methods of construction, design and layout of buildings and spaces, their overall environmental performance and the type and source of building materials, measures to reduce energy consumption and carbon emissions, minimise waste, increase recycling, conserve water resources (e.g. water efficient design), incorporate green infrastructure and sustainable drainage (SuDS) (where appropriate), minimising pollution (e.g. through sustainable transport of

minerals and waste, EV charging points), maximising the use of sustainable materials and adaption to climate change;
- Maximise opportunities to contribute to green and blue infrastructure to help achieve biodiversity net gain;
- Minimise the loss of Best and Most Versatile Agricultural Land;
- Where possible, utilise existing buildings and achieve an efficient re-use or land; and
- Applications seeking permission for a major new waste development should also consider the need for a Circular Economy Statements (also see Circular Economy Section).

Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

c) **Key Policy Drivers / Guidance**

- Climate Change Act 2008;
- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding, and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on sustainable design, renewable energy and Circular Economy;
- Planning Practice Guidance – Climate change; and
- Kent Design Guide.

13. <u>Circular Economy Statement</u>

a) **When Required / Relevant Proposals**

- Development with a total floor space of greater than 1000 square metres and/or where the site is 1 hectare or more.

b) **What is Required (Assessments / Reports / Surveys)**

- The Circular Economy is a move away from the current linear economic model, where materials are mined, manufactured, used, and thrown away, to one where materials are retained in use at their highest value for as long as possible and are then reused or recycled, leaving a minimum of residual waste;
- All new development must be designed in accordance with circular economy principles:
  - Minimise the production of construction, demolition and excavation waste and manage any such waste arising during the development in accordance with the objectives of Waste Hierarchy;
  - Retain and repurpose existing structures where possible;
  - Allow for ease of redevelopment and refurbishment; and
  - Maximise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste

and allow for ease of deconstruction and reuse of building components; and

- A Circular Economy Statement should address the above points and include a waste management audit setting out how waste is to be managed during construction (including any demolition and refurbishment) and during the occupation and use of the development.

c) **Key Policy Drivers / Guidance**

- The Waste (Circular Economy) (Amendment) Regulations (2020);
- National Waste Strategy – Our Waste, our resources, a strategy for England (2018);
- The Waste Management Plan for England (2021);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Environment Strategy (2016) and Kent and Medway Energy and Low Emissions Strategy (2020);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Resources and waste strategy for England; and
- London Plan Guidance, Circular Economy Statement 2022.

14. Economic Statement

a) **When Required / Relevant Proposals**

- Required for all applications which propose regeneration, creation of significant new employment uses or result in the loss of existing employment uses or change the use of a site or building which is allocated for employment in the Local Development Plan.
- Unlikely to be needed for minor proposals, however, will almost certainly be required as part of any alternative sites assessment (where a development is contrary to development plan policies).

b) **What is Required (Assessments / Reports / Surveys)**

- Explanation of any economic growth/regeneration benefits from the proposed development, including new jobs created/ supported, relative floorspace totals, any community benefits, and any supporting regeneration strategies (providing evidence where relevant).
- This information could reasonably form a section within a Planning Statement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Building a strong, competitive economy & Facilitating the sustainable use of minerals;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on local economy, employment and skills, agriculture, tourism.

15. Heritage and Archaeology

Heritage Statement

a) **When Required / Relevant Proposals**

- All planning applications where the development may affect heritage assets, either directly or indirectly. Heritage assets include Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Registered Parks and Gardens, sites of archaeological interest, assets of local heritage interest, or sites on KCC's Historic Environment Record or known or likely to contain archaeological remains.
- Note that any works proposed to Listed Buildings also requires Listed Building consent from the local District/ Borough Planning Authority. Works involving the demolition of buildings within a Conservation Area might also require Conservation Area consent from the District/ Borough Planning Authority.
- Early liaison with the County Archaeologist / Conservation Officer is advised to establish the archaeological / heritage implications, together with assistance from an appropriately qualified historic environment specialist.

b) **What is Required (Assessments / Reports / Surveys)**

- A **Heritage Statement** is generally required to describe the significance of the heritage assets affected. The statement should be proportionate to the scale of development, proximity to heritage assets and likely impact. It will need to identify and describe any heritage assets within or in close proximity to the application site; consider any potential impact the development may have either directly on the heritage asset, or on its wider setting, and demonstrate how the potential impacts have been avoided or minimised in the final scheme design.
- A heritage statement would normally consist of three parts; an assessment of the significance of the heritage asset, an assessment of the impact on the heritage asset and a justification and mitigation statement for the impact of the proposal on the heritage asset.
- Ideally an assessment should be accompanied by photographic records showing the site context and features that may be affected by the proposal, preferably cross-referenced to survey drawings.
- Where some level of harm to heritage assets cannot be avoided, the developer should provide justification for the impact and make recommendations for mitigation or, if sufficient justification is provided, compensation for its loss.
- The assessment may be desk-based initially, however could lead to further investigative work being required (e.g. geophysical survey; trial trenching) in order for impact to be fully assessed prior to determination of the application, or where appropriate potentially required by pre-commencement conditions.

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c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the historic environment;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.);
- Planning Practice Guidance – Historic Environment;
- Historic England: 'Historic Environment Good Practice Advice in Planning';
- Historic England: Mineral Extraction and Archaeology; and
- The Kent Historic Environment Record (see the County Council's website for public access).

Archaeological Assessment

a) **When Required / Relevant Proposals**

- Required when a Heritage Statement or pre-application discussion indicates that a Heritage Asset with an Archaeological Interest is likely to be present on site and/or affected by a development proposal. An asset of Archaeological Interest is considered to be a Scheduled Monument, a County Site of Archaeological Importance, an Area of High Archaeological Potential, or development application area exceeding 0.4 hectares in size, where it is reasonably considered that previously undocumented archaeological remains might survive.

b) **What is Required (Assessments / Reports / Surveys)**

- An Archaeological Assessment should examine the nature and significance of the archaeological resources of the site, in comparison with the nature of the development proposal, and detail the likely implications for the future survival and management of the resource that arise. All archaeological sites are unique and therefore the County Council will address archaeological issues on a case-by-case basis. It is expected that applicants will supply sufficient information to allow appropriate archaeological consideration of the implications of proposed development in advance of the determination of any application.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework - Conserving and enhancing the historic environment;
- Planning (Listed Buildings and Conservation Areas) Act 1990.;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.);

- Planning Practice Guidance – Historic Environment; and
- The Kent Historic Environment Record (see the County Council's website for public access).

16. Geotechnical, Land and Soils

Contaminated Land Investigation

a) **When Required / Relevant Proposals**

- Any proposal involving, or adjacent to, potentially contaminated land;
- When contamination of soil, groundwater, or from hazardous soil or gas is known or suspected, on or in the vicinity of the site, based on present or previous uses of the site or its surroundings;
- Where the land has been designated 'contaminated' by the Borough/ District Council;
- Sites overlying a Groundwater Source Protection Zone for drinking water;
- When there is a potential risk from naturally occurring hazards in the ground such as arsenic, radon and methane or carbon dioxide; and
- Where disturbance of the land could result in likely effects of pollution on health, living conditions or the natural environment, including by polluting surface water or groundwater, or the migration of ground gas.

b) **What is Required (Assessments / Reports / Surveys)**

- If there is a reason to believe contamination could be an issue, applicants should provide a proportionate site investigation (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors'), so that these risks can be assessed and satisfactorily reduced to an acceptable level;
- The risk assessment should identify the potential sources, pathways, and receptors ('pollutant/ contaminant linkages') and evaluate the risks. This information will enable the planning authority to determine whether more detailed investigation is required, or whether any proposed remediation is satisfactory;
- At this stage, an applicant may be required to provide at a desk study and site walk-over survey. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant/ contaminant linkages can be broken;
- Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations, risk assessments and a plan demonstrating suitable mitigation measures may be needed before the application can be determined; and
- Depending on the contamination identified further surveys and analysis may be required by condition if permission is granted, alongside a verification report on completion of the development demonstrating that the mitigation work has been implemented as agreed.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Environment Protection Act (1990): Part 2A Contaminated Land Statutory Guidance;
- Water Environment Regulations (2017);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on ground contamination;
- Planning Practice Guidance: Land affected by contamination;
- Environment Agency - Land Contamination: Technical Guidance;
- Environment Agency: Groundwater Protection Guides;
- British Standard BS10175:2011+A2:2017 Code of Practice for the Investigation of potentially contaminated sites; and
- British Standard BS 5930:2015 + A1:2020 Code of practice for ground investigations.

Land Stability / Geotechnical / Coal Mining Risk / Structural Matters

a) **When Required / Relevant Proposals**

- A land / slope stability (geotechnical) assessment will be required when:
  - The proposed development could affect the stability of land or adjoining land;
  - The proposal involves substantial engineering works, major soil and spoil movements (including the creation of bunds); and
  - There are good reasons to believe that the ground is unstable;
- On sites where land stability, subsidence, landslides, ground compression and/or heave is known or suspected, the applicant should seek appropriate expert technical and environmental advice to assess the likely consequences of proposed development;
- Applications within a Coalfield Development High Risk Area are likely to require a Coal Mining Risk Assessment (CMRA) or be required to follow Coal Authority Standing Advice. Details of the risk areas (in Dover, Canterbury, Thanet and Folkstone and Hythe), general guidance and a list of exempt development types are made available by the Coal Authority; and
- A structural survey is required for development involving demolition or alteration of buildings, directly affecting the structural integrity of adjacent buildings.

b) **What is Required (Assessments / Reports / Surveys)**

Land / slope stability risk assessment (Geotechnical report) – should be carried out by a professional qualified engineer and involve site investigations and a geotechnical appraisal. The assessment should include information demonstrating:

- The physical characteristics of site;
- Consideration of the factors influencing stability including ground conditions and the existing water environment;
- Whether or not the site is stable and has an adequate level of protection;

- Whether the land is capable of supporting the loads to be imposed;
- Whether the development would be threatened by unstable slopes on or adjacent to the site;
- Whether the development would result slope instability which may threaten neighbouring land, including adverse effects on public safety, local amenities and conservation interests;
- Whether the site could be affected by ground movements due to natural cavities or past, present or future mining activities; and
- Any remedial, precautionary or mitigation measures necessary to reduce or overcome the risk of instability, including potential long term drainage measures.

Coal Mining Risk Assessment (CMRA) - The aim of a CMRA is to identify any coal mining legacy risks and set out a proposed mitigation strategy to demonstrate that the site can be made safe and stable for the proposed development. In some cases, it may be possible to ensure that the development layout avoids recorded high risk features.

A Coal Authority Permit may be required for intrusive activities that would disturb or enter any coal seams, coal mine workings or coal mine entries, including shafts and adits.

A **Structural Survey** should be prepared by a professionally qualified surveyor, covering the condition of the building and whether it is capable of accommodating the proposed works / can be demolished without impacting surrounding development.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Planning Practice Guidance: Land Stability;
- Planning Practice Guidance: Minerals - Guidance on the planning for mineral extraction in plan making and the application process;
- Planning applications and Coal Mining Risk Assessments; and
- Coal Authority - Coal Authority planning and local authority liaison team - Email: planningconsultation@coal.gov.uk.

Agricultural Land Classification / Soil Assessment

a) **When Required / Relevant Proposals**

- Large-scale (significant) non-agricultural development impacting any farmland, including best and most versatile agricultural land (Grades 1, 2 & 3a).
- Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

b) **What is Required (Assessments / Reports / Surveys)**

The assessment should include details on:

- The agricultural classification and quality of existing agricultural land;
- Consideration of the availability of agricultural land used for food production;
- Details of the degree to which soils would be disturbed/harmed as part of the proposed development and whether 'best and most versatile' agricultural land (Grades 1, 2 & 3a) is involved;
- The agricultural land classification and soil survey should be at a detailed level supported by borehole data;
- The quality of any agricultural land lost and justification for its loss, including consideration as to whether areas of poorer quality land could be used in place of higher quality land;
- Measures that would be taken to safeguard the soil qualities during implementation, storage, operation and restoration;
- How the agricultural land classification would be protected or on completion of proposed operation, would be returned to the same agricultural land grade classification; and
- The quality of imported soils / other waste materials and how they would improve the land for agricultural purposes.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Natural England Guidance - Guide to assessing development proposals on agricultural land (2021); and
- DEFRA Guidance: Code of practice for the sustainable use of soils on construction sites.

Borehole / Trial Pit Analysis

a) **When Required / Relevant Proposals**

- For all new applications involving mineral extraction.

b) **What is Required (Assessments / Reports / Surveys)**

- Results of soil surveys and investigations (including depth of soils and any overburden);
- Details demonstrating mineral content (volumes, depth, quality); and
- Position of winter water table (details of which should be included on sectional drawings).

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c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Facilitating the sustainable use of minerals.

17. Working, Restoration and Aftercare

Proposed Scheme of Working / Phasing Plans / Landfill Statement

a) **When Required / Relevant Proposals**

- Required for all new mineral extraction, landfill and/or land raising applications or extensions / changes to the method of working at existing quarries / landfills.

b) **What is Required (Assessments / Reports / Surveys)**

For all development:

- Limits of extraction and/or landfilling;
- Identification of trees to be retained or removed;
- Positions for storage for topsoil, subsoil, overburden;
- Proposals for site screening e.g. soil bunds, advance planting;
- Type and location of plant/buildings and ancillary structures/plant e.g. weighbridge, wheel cleaning, sheeting bays;
- Direction of working, phasing of extraction and restoration;
- Location of internal haul routes;
- Location of site drainage and discharge arrangements;
- The proposed diverted position of overhead or underground infrastructure affected by the development; and
- Identification and management of soil types where the site includes land of the 'best and most versatile' agricultural category, including the arrangements for removing and replacing soils stripped from the site and the phasing of soil movement.

In addition, for landfill and land raising development

- Details and location of gas control infrastructure where relevant;
- Details and location of leachate control where relevant;
- The capacity of the proposed site;
- The amount of material required and rates of fill;
- The nature/type and source of material;
- Method of Infill / Phasing plans / Proposed Scheme of Working;
- Expected levels of settlement (including justification);
- Proposed methods of compaction (pre and post settlement levels);
- Evidence that the amount of fill proposed is the minimum requisite required; and
- Suitable mitigation measures.

In addition, for inert landfill, the statement will also need to demonstrate that:

- The inert waste is being deposited for a beneficial use, such as the restoration of a landfill site and mineral working and is not as part of a disposal operation;
- If the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and
- The development involves the minimum quantity of waste necessary to achieve the benefit sought.

In addition, for non-inert and hazardous waste landfill, the statement will also need to demonstrate that:

- The waste stream(s) to be landfilled cannot be managed in accordance with the objectives of the Waste Hierarchy (see Waste Hierarchy Statement section);
- No alternative suitable capacity for its management exists;
- Environmental or other benefits would result from the development;
- The site and any associated land would be restored to a high standard and an appropriate after-use that accords with the local landscape character; and
- At least 85% of any landfill gas produced should be captured and utilised using best practice techniques.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Facilitating the sustainable use of minerals;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP);
- The Landfill (England and Wales) Regulations 2002; and
- Planning Practice Guidance: Waste.

<u>Restoration and Aftercare Plan</u>

a) **When Required / Relevant Proposals**

- All proposals for mineral extraction and/or temporary waste disposal sites / landfills except for applications seeking to vary / remove a condition which has no impact on the final restoration / aftercare of the site.

b) **What is Required (Assessments / Reports / Surveys)**

A statement setting out the restoration, aftercare and management of a site to a standard that reflects best practice and provides for restoration and aftercare at the earliest opportunity. Supporting evidence shall be provided to satisfy the requirements set out in policy DM19 of the Kent Minerals and Waste Local Plan. Where appropriate this should include details of:

Restoration

- Demonstration how the site would be satisfactorily restored using a site-based landscape strategy having regard to key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape;
- A baseline establishing existing conditions prior to the development of the site, including geological, archaeological and historic heritage and landscape features, supported by a topographic survey;
- Directions and phasing of working and restoration (including progressive) and how they are integrated into the working scheme;
- Details of the proposed final landform including pre and post settlement levels, the relationship to the surrounding land, the type and depth of workings and information relating to the water table;
- A timetable for the removal of any buildings, plant, equipment, roads and hardstanding not required for long term management of the site;
- Details of the drainage of the restored area, including grading, surface water catchment, proposed field drains, ditches, culverts, sumps and watercourses, direction of flow and site and site drainage plan and erosion control measures;
- A detailed landscape planting and restoration plan (referencing any which deliver Biodiversity Net Gain), along with details of the seeding of grass, trees, shrubs and hedges and proposed cultivation techniques, cropping and grazing information; proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, Areas of Outstanding Natural Beauty Management Plans and the Local Nature Recovery Strategy;
    - Information on soil resources;
    - A methodology for management of soils to ensure that the pre-development soil quality is maintained;
    - An assessment of soil resources, including details of the types, quantities and sources, their removal, handling and storage and an assessment of the overburden to be removed and stored;
    - Where soil bunds are proposed details of location, height, quantities stored and seeding details; and
    - Details of any soil making materials to be used;
- The total volume and type of fill material (if required) to restore the site alongside filling rates;
- The arrangements for monitoring and the control and management of landfill gas and leachate, including Interim and final plans where infrastructure would need to be removed later; and
- A programme for the long-term management and aftercare of the restored sites to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;

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Aftercare

Aftercare schemes should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought.

- Details of the aftercare for the end use proposed (e.g., agriculture, forestry, nature conservation, amenity);
- How the methods proposed in the restoration and aftercare would enable the land to be retain its longer-term use;
- The steps to be taken, who would undertake them and the period during which they are to be taken;
- Any long-term management proposals;
- Any hard or soft landscaping and associated maintenance regime;
- Any drainage details and associated maintenance regime (if required);
- Details of an annual programme to be provided no later than two months prior to any annual aftercare meeting;
- Details of annual aftercare meetings during the aftercare period (where appropriate);
- Proposed cultivation techniques, cropping and grazing where applicable with reference to the pre-working agricultural land classification;
- Monitoring regime to ensure aftercare requirements are achieved.

Any restoration and/ or aftercare requirements should take account of any biodiversity net-gain requirements required in connection with the development.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape/countryside character, National Landscapes (formerly AONB), other protected landscapes, local amenity.

18. <u>Waste Hierarchy Statement</u>

a) **When Required / Relevant Proposals**

- All waste proposals that seek permission to manage waste by means of operations at the lower end of the Waste Hierarchy, (i.e., via 'other recovery' methods (including waste to energy) or disposal or landfill).

b) **What is Required (Assessments / Reports / Surveys)**

- Waste Hierarchy Statements must set out the arrangements that would be put in place to ensure that only unavoidable residual waste is managed by 'other recovery' methods or 'disposal'.

The **Waste Hierarchy Statement must include:**

- The type of information that will be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;
- The arrangements to be put in place to ensure that as much reusable and recyclable waste as is reasonably possible is removed from waste to be managed by other recovery at the consented development, including contractual measures to encourage as much reusable and recyclable waste as possible to be removed prior to its use as a fuel/feedstock;
- The arrangements to be put in place to ensure that suppliers of residual waste work to a written environmental management system, which includes establishing a baseline for recyclable and reusable waste removed from residual waste and setting and working to specific targets for continuously improving and reporting on the percentage of such reusable and recyclable waste removed;
- The arrangements to be put in place for suspending and/or discontinuing supply arrangements from suppliers who fail to work to and report on compliance with any environmental management systems relating to waste reporting;
- The provision of an annual waste composition analysis of the fuel/feedstock taken at the point of management by the operator, with the findings submitted to the Council within one month of sampling being undertaken; and
- The form of records to be kept for the purpose of demonstrating compliance with 'a' to 'e' above and the arrangements in place for provision of an electronic copy of the data to be made available to the Planning Authority.

c) **Key Policy Drivers / Guidance**

- National Waste Strategy – Our Waste, our resources, a strategy for England (2018);
- The Waste Management Plan for England (2021);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- Government Guidance - Guidance on applying the waste hierarchy.

19. Planning Obligation(s) / Legal Agreement - Draft Heads of Terms

a) **When Required / Relevant Proposals**

- Where considered essential by the County Council the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of a planning application. Draft heads of terms will only be required for validation purposes where this has been agreed during discussions at the pre-application stage. See Biodiversity Net Gain section above for requirements relating to any agreement necessary to secure significant on-site or off-site net gain requirements.
- Notwithstanding, it is good practice to submit information about a proposed planning obligation alongside an application where a legal agreement is likely to be required as this information will be needed before an application is

determined and an agreement confirmed before any decision to permit is issued.

b) **What is Required (Assessments / Reports / Surveys)**

- Planning obligations are legal agreements entered into to mitigate the impacts of a development. A planning obligation may be sought where a requirement is identified that cannot be met or secured by the imposition of a planning condition;
- Planning obligations must only be sought where they meet all three tests set out in the NPPF -
  a) necessary to make the development acceptable in planning terms;
  b) directly related to the development; and
  c) fairly and reasonably related in scale and kind to the development*;*
- A planning obligation can be entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land, the County Council and any other relevant party; or via a unilateral undertaking entered into by a person with an interest in the land without the County Council. Planning obligations run with the land, are legally binding and enforceable;
- Any documents should include Draft Heads of Terms of Agreement, contact details of legal representative, evidence of title and confirmation that the title owner(s) will be in a position to enter into such an agreement;
- Matters to be covered by planning obligations could include those listed below where appropriate to the development proposed:
  - Revocation and consolidation of planning permissions;
  - Highways and access improvements;
  - Traffic management measures including the regulation of lorry traffic;
  - Provision and management of off-site or advance tree planting and screening;
  - Extraction in advance of future development;
  - Environmental enhancement and the delivery of targets in the Kent Nature Partnership Biodiversity Strategy;
  - Protection and enhancement of internationally, nationally, and locally important sites;
  - Biodiversity net gain (see ecology section);
  - Landscape enhancement;
  - Protection of notable and protected species;
  - Long term management and monitoring of mitigation or compensation sites and their protection from further development;
  - Provision and long-term maintenance of an alternative water supply should existing supplies be affected;
  - Archaeological investigation, analysis, reporting, publication, and archive deposition;
  - Establishment of a liaison committee;
  - Long-term site management provision to establish and/or maintain beneficial after-use;
  - Improvement to the public rights of way network in accordance with Actions identified within the KCC Rights of Way Improvement Plan;

- Financial guarantees to ensure restoration and long-term maintenance is undertaken;
- Measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of minerals and waste development;
- Codes of construction practice for large waste developments that incorporate the requirement for the majority of the construction workforce to be recruited locally; or
- The majority of the operational staff at large waste developments to be sourced from the local area and opportunities for modern apprenticeships and other nationally recognised training schemes to be available for a proportion of the workforce.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Planning conditions and obligations;
- Kent Minerals and Waste Local Plan (KMWLP) - Policy DM17 on Planning obligations;
- Planning Practice Guidance - Planning obligations; and
- Planning Practice Guidance - Making an application.

20. Utilities Statement

a) **When Required / Relevant Proposals**

- All major development involving new built development or significant ground works that could impact on or require connection to utilities to enable development of the site. There are special requirements for safe working in close proximity to a high-pressure pipeline and proposed works require approval from a pipeline operator prior to commencing.
- This information could reasonably be included as a separate statement or form a section within the Planning Statement.

b) **What is Required (Assessments / Reports / Surveys)**

- A site survey of infrastructure on site, such as overhead electricity lines, underground cables and pipes, drainage infrastructure, hazardous substances, gas pipelines / supplies, or substations that could be affected either by the proposed development or by its construction activity, should be included;
- Where an application is within 15m of an overhead line or 10m of a substation or an underground cable, or the access to a substation or pylon, The relevant utility provider should be consulted prior to an application being made. The National Grid website has information on its overheard lines and substations. The Health and Safety Executive has information for proposals that are near hazardous installations;

- Details of how the development would connect to exiting utilities (electricity, gas, telecommunications, water supply, foul and surface water drainage), including whether existing infrastructure has sufficient capacity;
- Service routes designed to avoid (as far as practicable) the potential for damage to trees and archaeological remains;
- Where the development impacts on existing infrastructure the provisions for relocating or protecting that infrastructure, including confirmation that this has been agreed with the service provider; and
- For all developments where excavation or below ground works are proposed an applicant must carry out a search to determine whether a high pressure pipeline is present in the vicinity of the application site. Most pipeline operators are signed up to Linesearch and it is recommended a search should be carried out using the Linesearch tool to establish the presence of pipeline infrastructure. The results of any pipeline search undertaken are to be submitted with a planning application.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving sustainable development, Decision-making & Meeting the challenge of climate change, flooding and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on public utilities;
- Local utility companies (including water companies, gas providers, National Grid, local electricity companies, telecom providers); and
- LinesearchbeforeUdig (LSBUD).

21. **<u>Sunlight / Daylight Assessment</u>**

a) **When Required / Relevant Proposals**

- Any application where there is potential for adverse impacts on current levels of daylight/sunlight enjoyed by adjoining properties or buildings including associated gardens or amenity space.

b) **What is Required (Assessments / Reports / Surveys)**

The assessment should include:

- Details of existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties (including allowing for the change in angle of sunlight across the seasons); and
- Details of the measures to be taken to mitigate against the expected impact of the proposed development.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Achieving well-designed places;
- Kent Minerals and Waste Local Plan (KMWLP); and

- District / Borough Local Plan Policies relating to design and local amenity.

22. Airport Safeguarding

a) When Required / Relevant Proposals

Required for all applications within the consultation area of civil and military aerodromes and airstrips involving:

- Facilities involving management of putrescible waste by landfilling, composting, recycling or treatment in the open;
- Any development over 90m in height;
- Gas flaring or venting;
- Any building or structure, which because of its size, shape, location or construction materials, has the potential to act as a reflector or diffractor of the radio signals on which navigational aids and telecommunications systems depend (including wind turbines / solar PV panels);
- Lighting which has the potential to distract or confuse pilots; and
- Development which has the potential to increase the number of birds or bird risk hazard including large amenity landscaping, water features, enhancement of existing wet areas or water courses.

See UK Civil Aviation Authority website (What is safeguarding?) for more details.

b) What is Required (Assessments / Reports / Surveys)

The **Statement** should include:

- An accurate site plan of the proposed development with the site clearly outlined and six figure (Ordnance Survey) ‘eastings’ and ‘northings’ grid reference;
- The ground level of the site to an accuracy of 0.25m Above Ordnance Datum (AOD);
- The layout, dimensions, materials and particularly heights of the proposed development;
- Any associated construction or development lighting details;
- Mitigation measures proposed to minimise any potential impacts or risks to air traffic or radar; and
- Any other information that may be deemed necessary to assess the application (e.g., the installation of solar panels).

c) Key Policy Drivers / Guidance

- Required by The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002;
- Guidance - The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction;
- Aviation Policy Framework; and
- Guidance - Safeguarding aerodromes, technical sites and military explosives storage areas.

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

GR/23/376 Development of an enclosed electronic waste (E-Scrap) transfer facility, involving shredding, sampling, sorting, and bulking up of electronic waste streams for onward transportation to recycling/management facilities. The proposed development includes the demolition of existing buildings, construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf.
Britannia Refined Metals Ltd, Britannia Metal Refinery and Premises, Lower Road, Northfleet, Gravesend, Kent, DA11 9BG
Decision: Permitted

MA/23/505372 Section 73 application to vary condition 1 of planning permission MA/20/503430 to allow for a further 18 months to complete the southern slope remediation.
Lenham Quarry (Shepherds Farm), Forstal Road, Lenham, Kent, ME17 2JB
Decision: Permitted

SW/23/505072 Section 73 application to vary conditions 1, 3, 18, 25, 30, and the removal of condition 29 of planning permission SW/22/505751 to extend permission to extract brickearth from the site until 31st October 2026 and to provide for a revised site restoration scheme.
Land to the South of the A2 (Hempstead House) and East of Panteny Lane, Bapchild, Sittingbourne, Kent
Decision: Permitted

TM/22/2292 Details of a detailed management plan for the final restoration of the site pursuant to Condition 38 of planning permission TM/22/2292.
Borough Green Sand Pit, Maidstone Road, Platt, Sevenoaks, Kent, TN15 8JL
Decision: Approved

TM/23/3223 Section 73 application to vary condition 4 of planning permission TM/16/1563 to allow the erection of a weighbridge and new welfare and office units.
Associated Asphalt Contracting Ltd, Land at East Peckham Rail Depot, Boyle Way, East Peckham, Kent TN12 5EY
Decision: Permitted

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E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

CA/23/2045	Supply and installation of a new mono-pitch playground canopy to provide extended dining facilities to alleviate pressures in the existing dining hall during lunch time breaks. The Archbishops School, St Stephen's Hill, Canterbury, Kent, CT2 7AP Decision: Permitted
CA/23/2108	Replacement of pitched roof coverings and minor maintenance works to main school building. St John's CEP School, St. Johns Place, Canterbury, Kent, CT1 1BD Decision: Permitted
CA/24/35	Supply and installation of new 2.4m high, powder-coated green, metal mesh fence to muster point, replacing existing chestnut paling fence. The Archbishops School, St Stephen's Hill, Canterbury, Kent, CT2 7AP Decision: Permitted
FH/23/2010	Proposed removal of boardwalk and replacement pathway surfacing. Brockhill Country Park, Sandling Road, Saltwood, Hythe, Kent CT21 4HL Decision: Permitted
GR/22/0110/R17	Details of a Verification Report pertaining to the surface water drainage system pursuant to Condition 17 of planning permission GR/22/0110. Meopham School Wrotham Road, Meopham, Gravesend, Kent, DA13 0AH Decision: Approved
GR/22/0110/R27	Details of the location and specification for a minimum of 20 secure and weatherproof cycle parking spaces pursuant to Condition 27 of planning permission GR/22/0110. Meopham School, Wrotham Road, Meopham, Gravesend, Kent, DA13 0AH Decision: Approved
GR/22/404/R5	Details of landscaping to screen the development from public view to the northern boundary of the site pursuant to Condition 5 of planning permission GR/22/404. Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE Decision: Approved

GR/23/0603/R5	Details of a Revised Draft School Travel Plan pursuant to Condition 5 of planning permission GR/23/0603. Thamesview School, Thong Lane, Gravesend, Kent DA12 4LF Decision: Approved
GR/23/0603/R10	Details of the proposed tree and shrub planting to include details of native species and those suitable for bee pollination, size and method of planting pursuant to Condition 10 of planning permission GR/23/0603 Thamesview School, Thong Lane, Gravesend, Kent DA12 4LF Decision: Approved
GR/23/0895	Proposed Multi-Use Games Area (MUGA) with associated fencing, earthworks, landscaping and floodlighting. Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent DA12 2PR Decision: Permitted
GR/23/1208	Section 73 application to amend Conditions 15 & 16 (vehicle and pedestrian access improvements) of planning permission GR/21/0823 as amended by GR/23/0006 to allow a commitment to be made by the Applicant to complete the improved access works by September 2024. Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent, DA12 2PR Decision: Permitted
MA/23/504543	Erection of a detached teaching annex to house two new classrooms and associated facilities, in order to provide improved accommodation for the existing school children, and the creation of a new paved access to connect the teaching annex to the existing access routes. Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone, Kent ME14 2JG Decision: Permitted
SE/22/645/R6&R10	Details of Landscaping (Condition 6) and details of External Lighting (Condition 10) pursuant to planning permission SE/22/645. Broomhill Bank School (Northern Site), Rowhill Road, Swanley, Kent BR8 7RP Decision: Approved
SE/23/3420	Replacement of the demolished dilapidated salt barn with a new 'Eurodome' salt barn. Kent Highway Depot, The Teardrop Centre, Farningham Hill Road, Swanley, Kent BR8 8TJ Decision: Permitted
SW/21/504168/R12	Details of School Travel Plan pursuant to condition (12) of planning permission SW/21/504168 Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent, ME10 4DB Decision: Approved

SW/23/504960	Construction of a single-storey extension to provide a Headteacher's office and staff room, together with retrospective temporary planning permission for three separate outbuildings - i) an existing log cabin known as the F.L.O & library building, which will need to be relocated to accommodate the new extension; ii) an existing shed, known as the F.O.R.S shed & iii) a small modular cabin, originally used for teaching music, but currently being used as a Headteacher's office. Rodmersham Primary School, Rodmersham Green, Rodmersham, Sittingbourne, Kent, ME9 0PS Decision: Permitted
SW/24/500041	Retrospective temporary planning approval until 31 May 2024 for the erection of a single-storey modular building. Village Hall, Rodmersham Green, Rodmersham, Sittingbourne, Kent ME9 0PS Decision: Permitted
TH/18/467/R3A	Details of external materials pursuant to condition 3 of planning permission TH/18/467. Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Decision: Approved
TM/19/2964/R26	Details of an updated School Travel Plan pursuant to Condition 26 of planning permission TM/19/2964 Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent, TN15 8JE Decision: Approved
TM/21/2632/R8A	Revised details of a revised Landscape & Ecological Management Plan (LEMP) pursuant to Condition 8 of planning permission TM/21/2632. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Approved
TM/22/2500/R5	Details of a Construction Management Plan pursuant to Condition 5 of planning permission TM/22/2500. Kings Hill Primary School, Crispin Way, Kings Hill, West Malling, Kent ME19 4LS Decision: Approved
TM/23/1239/R3	Details of the external materials (including specifications and colour finishes) pursuant to Condition 3 of planning permission TM/23/1239. St Peters Church of England Primary School, Mount Pleasant, Aylesford, Kent ME20 7BE Decision: Approved
TM/24/180	The supply and installation of a 3no classroom modular building, to include toilets and office space for supporting staff. The Malling School, Beech Road, Mill Street, East Malling, West Malling, Kent, ME19 6DH Decision: Permitted

TW/22/748/R12	Details of a Verification Report pertaining to the surface water drainage system pursuant to Condition 12 of planning permission TW/22/748. Broomhill Bank School (Western Site), Broomhill Road, Royal Tunbridge Wells, Kent, TN3 0TB Decision: Approved
TW/22/3310/R10	Details of a Verification Report pertaining to the surface water drainage system pursuant to Condition 10 of planning permission TW/22/3310. Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent TN3 0UE Decision: Approved
TW/23/2833	(Retrospective) revisions to planning application for a Special Educational Needs.(SEN) cabin with office and intervention area (earlier decision reference KCC/TW/0220/2022 and TW/22/3456). Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent, TN3 0NP Decision: Permitted

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
-

(a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/SCR/AS/0216/2023 - Request for a Screening Opinion as to whether the proposed new infrastructure and temporary works requires an Environmental Impact Assessment
Ashford Wastewater Treatment Works, Kinneys Lane, Canterbury Road, Ashford, Kent, TN24 9QB

KCC/SCR/TW/0215/2023 - Request for a Screening Opinion as to whether the proposed new infrastructure and temporary works requires an Environmental Impact Assessment
Cranbrook Wastewater Treatment Works, Golford Road, Bakers Cross, Cranbrook, Kent TN17 3NW

(b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None.

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E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

(b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None.

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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Consultation on planning application PA/2022/2772 - Proposed development at Land south of Asda, Kimberley Way, Ashford

KCC Highways & Transportation response to Ashford Borough Council on the above.

F2 Sevenoaks Local Plan Regulation 18 (Part 2) Consultation

KCC response to Sevenoaks District Council on the above.

F3 Consultation on the Aldington & Bonnington Neighbourhood Plan

KCC response to Ashford Borough Council on the above.

F4 Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan

KCC response to Tunbridge Wells Borough Council on the above.

F5 Consultation on the Maidstone Borough Council Technical Documents in respect of the Local Plan Review

KCC response to the Programme Officer (Maidstone Borough Council Local Plan Review)

F6 Consultation on planning application GB/20221064 – Proposed development at Land surrounding Ebbsfleet United Football Club, bounded by Lower Road, Railway Line, Grove Road and the River Thames, Northfleet, Gravesend.

KCC Highways & Transportation response to Gravesham Borough Council on the above.

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Highways and Transportation
Kroner House
Eurogate Business Park
Ashford
TN24 8XU
Tel: 03000 418181
Date: 9 February 2024
Our Ref: MH

Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Application - PA/2022/2772
Location - Land south of Asda, Kimberley Way, Ashford
Proposal - Application for outline planning permission for up to 46,000 sqm of employment floorspace (Use Class E and B2) with all matters reserved except access (excluding internal circulation routes and links to pedestrian and cycle network) and change of use of land to parkland including flood storage area.

Thank you for the consultation on the transport technical note as dated 8th February 2024 on the Ashford Borough Council planning web-site. I have the following comments to make in respect of highway matters:

Site Access - Pedestrians and Cycles

- A drawing has been produced (332410583_100_100_006A) showing widening of the footway/cycleway on the corner between the A2042 and Norman Road to provide a 3.5 metre wide segregated route to/from the existing toucan crossing on the A2042 and then onto Kimberley Way. All of these works are achievable within the existing highway boundary. These works are likely to require the provision of a retaining structure at the back of the footway / cycleway and require vegetation clearance / relocation of existing streetlighting however the detail of this can be dealt with as part of the detailed design as part of the required Section 278 Highway Agreement in the event that planning permission is granted for the proposals.
- A drawing has been produced (332410583_100_100_009) providing a toucan crossing across Norman Road to link in with the existing footway / cycleway that runs through open space to the west of the A2042. This had previously been promoted as part of the Land at Norman Road planning application (PA/2022/2669), however this application has now been withdrawn and so this toucan crossing will need to be secured as part of this planning application through a suitably worded planning condition in the event that planning permission is granted for the proposals.

Workplace Travel Plan

- The required Travel Plan for employees and visitors will need to be secured as part of a suitably worded planning condition and parking monitoring would be included within the Section 106 Legal Agreement so that Ashford Borough Council parking services can monitoring parking on surrounding areas such as Newtown and South Willesborough and implement a Controlled Parking Zone if required.

Parking

- As discussed previously only essential car parking will be provided on site for disabled staff (circa 30 spaces). Staff will have access to the cycle loan and purchase scheme that Brompton currently offers and staff will be encouraged to travel sustainably to the site due to the close proximity of the site to local bus services and Ashford International railway station. Therefore the principle of very low car parking provision is accepted by KCC Highways and Transportation.
- A car parking strategy document will need to be developed by Brompton to outline the parking options available for staff. Details of this will need to be secured through a suitably worded planning condition requiring details prior to the occupation of any development on site.
- It is suggested that the in the car parking strategy that the applicant has regular discussions with the Designer Outlet management so that they are informed of the busy periods such as discount/promotion days and so Brompton staff will be able to make alternative arrangements such as the HS1 car park.

Committed Developments

- The technical note considers that the flows for the three constructed sites combined through the network are negligible when considered against the volume of flows expected to be passing through the junctions. Whilst it is understood that double counting may be occurring on the network, the modelling has provided a worse case scenario, where the Transport Assessment has demonstrated mitigation where necessary and is therefore acceptable to KCC Highways and Transportation.
- The A2042 / Elwick Road / Station Approach / A2042 Beaver Rd / Victoria Road / A2042 Signal Junction is already over capacity in the baseline scenario with this development, and this is unlikely to not be the case without these committed development flows and therefore mitigation is still required due to the impact of the proposals on this junction as previously stated in my consultation response. The Newtown Road traffic signal junction, Norman Road roundabout and proposed signalised Malcom Sargeant Roundabout junctions are demonstrated to be within capacity with the committed developments included and the proposed development and therefore removing the committed development would not impact the outcome of the traffic modelling undertaken.

Priority Roundabout at A2042 Avenue Jacques Faucheux / A2042 Bad Munstereifel Road / Malcolm Sargent Road

- There are wider plans by KCC Highways and Transportation to improve this roundabout through part signalisation, widening of entry arms and a bypass lane from the A2042 North to the A2042 Bad Munstereifel Road.
- Funding for this improvement scheme has not been fully secured to date and so an appropriate Section 106 contribution is required from this site. It has been identified in the Transport Assessment that there is the potential for 118 movements through this junction in the PM peak, although based on their likely modal share targets (31% driving a car compared to 2011 census data which suggests 61%) the likely number of movements is 60 movements so contributions should only be calculated on this basis. This equates to a required financial contribution of £564,942 and this should be payable prior to the occupation of any development on site. The financial contribution will need to be index linked from Quarter 4 2022 and be based on the construction price index (new work, infrastructure).

Signal Controlled Junction at A2070 / The Boulevard (Orbital Park – Bellamy Gurner)

- This junction has been upgraded from a priority roundabout to a signalised junction recently.
- The signalised junction will operate just over capacity in a 2030 baseline and baseline plus development scenario and therefore a mitigation scheme is being proposed which involves minor adjustments to the stage sequence of the traffic signals.

- This is acceptable to KCC Highways and Transportation but confirmation is required from National Highways as the traffic signal junction is within their ownership.

I therefore have no objections to the application, subject to the following planning conditions / Section 106 Legal Agreement being attached to any planning permission granted:

Planning Conditions

1) Submission and approval of a Construction Management Plan before the commencement of any development on site to include the following:
(a) Routing of construction and delivery vehicles to / from site
(b) Parking and turning areas for construction and delivery vehicles and site personnel
(c) Timing of deliveries
(d) Provision of wheel washing facilities
(e) Temporary traffic management / signage

2) Prior to the occupation of any development on site the proposed site access arrangements (involving two new traffic signal junctions together with a new footway along the A2042) as shown in drawing 332410583/100_100/004 Revision F shall be completed and opened to the travelling public.

3) Prior to the occupation of any development the proposed vehicle loading/unloading and turning facilities (including HGV turntable) as shown in drawing 332410583/100_100/007 shall be completed.

4) Prior the occupation of any development on site the proposed footway / cycleway improvement on Norman Road / A2042 / Kimberley Way as shown in drawing 332410583_100_100_006 Revision B shall be completed and opened to the travelling public.

5) Prior to the occupation of any development on site the proposed toucan crossing across Norman Road as drown in drawing 332410583_100_100_009 shall be completed and opened to the travelling public.

6) Prior to the occupation of any development on site the proposed changes to the staging sequence of the traffic signals on the north side of Beaver Bridge shall be completed in accordance with details to be approved in writing by the Local Highway Authority.

7) Prior to the occupation of any development on site the proposed changes to the staging sequence of the traffic signals at the Signal Controlled Junction at A2070 / The Boulevard (Orbital Park – Bellamy Gurner) shall be completed in accordance with details to be approved in writing by National Highways.

8) No building shall be occupied until space has been laid out within the site for bicycles to be parked under cover in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such cycle parking facilities shall subsequently be retained available for use by staff and visitors.

9) No building shall be occupied unti a Workplace Travel Plan (WTP) that accords with Best Practice and the principles of (i) encouraging sustainable movement and (ii) reducing the reliance on the private motor vehicle as set out in the NPPF and builds on baseline survey work carried out by the occupier within a maximum 6 months of first occupation shall have been submitted to and (following consultation with the local highway authority) be approved by the Local Planning Authority.
The WTP shall contain: (a) Details of measures designed to achieve and maintain an

appropriate target modal split of travel to and from the site, (b) The contact details of an individual who will be appointed as WTP Co-ordinator within his/her job description and who will act as the contact point for the Local Planning Authority and the measures set out within the WTP, (c) A mechanism for information to be provided to the Local Planning Authority annually (or as agreed in writing) as to the implementation of the measures set out in the WTP, and (d) Proposed measures to maintain the appropriate modal split for the site and to monitor the performance of the WTP and appropriate measures to cover against failure to meet the agreed targets. The agreed WTP for each occupier shall subsequently be implemented in full within 3 months of written approval by the Local Planning Authority and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority.

10) Unless otherwise agreed with the Local Planning Authority, reserved matters applications for all buildings should demonstrate how building users may access cycle changing/shower/drying and locker facilities. No building shall be occupied until the approved facilities have been provided for that building (whether in that building or in an adjoining one or in a centralised facility within the site) in accordance with details that shall have been submitted to and approved by the Local Planning Authority and these facilities shall subsequently be retained available for use by staff and visitors to the premises.

11) Prior to the occupation of any development on the site, a car parking management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail what public car parks will be made available for staff to park in and how parking will be managed during peak periods at the Designer Outlet Centre. The car parking management strategy will need to include a section on future discussions with the Designer Outlet Centre management at peak periods to manage car parking within the southern overflow car park and the availability of overflow car parking such as the HS1 car park.

12) Prior to the commencement of any development on the site, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the construction of the access will be managed to ensure disruption along the A2042 is minimised and the need to prevent lane closures during peak hour periods (7am to 10am and 4pm to 7pm).

13) Prior to the occupation of any development on the site, a signage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail new signage from Tesco Park Farm to the site using the existing footways / cycleways that are available to reach the proposed site. The signage hereby permitted shall be installed prior to the occupation of any development on site.

Section 106 Requirements

1) Workplace Travel Plan - The required workplace travel plan (WTP) should be secured through the Section 106 Legal Agreement for the site. KCC Highways and Transportation will require a robust monitoring regime over a 10 year period (from the date of the opening of the 1st commercial building) so that the number of vehicle movements associated with the development can be assessed yearly over a 10 year period to ensure that the actual number of movements is not greater than those predicted in the Transport Assessment. Therefore on-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 10 year monitoring period. Upon final occupation of the proposed employment floorspace the applicant will be required to undertake a fully complaint TRICS survey for the site. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database. A £10,000 monitoring fee (£1,000 per annum over a 10 year period) is required so that KCC Highways and Transportation can effectively monitor the travel plan to ensure that the initial trip rates are met.

2) Priority Roundabout at A2042 Avenue Jacques Faucheux / A2042 Bad Munstereifel Road / Malcolm Sargent Road - A Section 106 contribution of £546,942 index linked from Quarter 4 2022 is required towards the proposed improvement scheme.

3) Controlled Parking Zone - Ashford Borough Council parking services will need to confirm the contribution required towards the implementation of a controlled parking zone in Newtown and South Willesborough should overflow car parking become an issue on surrounding residential streets.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:
https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

Sevenoaks Local Plan Regulation 18 (Part 2) Consultation.
Kent County Council Response (January 2024)

Policy/Paragraph	Commentary
	Kent County Council (hereafter referred to as the County Council) appreciates the challenges that exist within Sevenoaks in respect of the Greenbelt areas meeting the housing requirement, the significant increase in delivery of homes required compared with the adopted Local Plan and the necessary infrastructure that will be required to support this growth. The County Council notes that this consultation follows on from the previous Regulation 18 consultation, to which the County Council provided a response on 11 January 2023. The County Council is committed to working with the District Council and other key stakeholders to ensure that sustainable growth is delivered to meet the identified housing need, supported by necessary infrastructure – that is planned for, funded and delivered in a timely manner, ahead of housing / commercial growth where required. The County Council therefore welcomes the recognition within the Local Plan of the need for infrastructure to be delivered ahead of development commencement and would welcome continued joint working to secure this. This will ensure an 'Infrastructure First' approach to development. The County Council welcomes acknowledgement within this Local Plan consultation document of the need to provide additional infrastructure to support the delivery of new housing. To deliver sustainable development within the district, close working and a collaborative approach with all key stakeholders will be crucial – taking in to account all necessary infrastructure and services required to deliver robust and resilient communities during the plan period and beyond– whilst also considering any cross boundary, strategic implications of growth. The County Council recognises that the District Council has adopted the Community Infrastructure Levy (CIL) and wishes to work with the District Council to ensure that infrastructure is funded appropriately and adequately. The County Council has been vocal in its concerns with the CIL, the processes to secure contributions and whether this mechanism is able to secure the necessary contributions to deliver necessary infrastructure. Within this response, the County Council recognises the steps taken by the District Council in relation to education provision and the CIL, however, the County Council continues to challenge the level of contribution which can be secured through the CIL, especially for large scale strategic sites, such as the proposals at Pedham Place, and for infrastructure / services which are evolving in their delivery, such as Adult Social Care. The County Council wishes to work with the District Council in considering how adequate development contributions to deliver necessary infrastructure can be secured through the sites proposed through this Local Plan and would welcome continued engagement on this matter. As the Local Plan progresses, the County Council would value timely engagement in the shaping and inputting, as appropriate, into the draft Statement of Common Ground to ensure that all cross-boundary and strategic matters are properly and clearly addressed.
Introduction	
Healthcare, Education and Retail	**Education** The County Council notes that the Local Plan consultation document states *"Many children are being sent outside of the District".* However, the majority of children choose their secondary school by expressing a preference – it would therefore be more accurate to state that many children choose a school that is outside of the District.
Vision and Objectives	**Highways and Transportation** In respect of Vision 7 and ensuring the delivery of sustainable, high quality and resilient infrastructure, the County Council continues to raise concerns about the current CIL process operated by the District Council whereby infrastructure providers are required to bid for schemes which have previously been assessed as necessary to facilitate sustainable growth and mitigate a severe impact. The County Council considers that this process restricts the adequate funding of key infrastructure that is necessary to support growth. The County Council strongly recommends that where mitigation is required because of the impact of a development, this is delivered by the developer at their risk and this should be set out within the Local Plan – ensuring the risk of infrastructure delivery doesn't fall solely on the infrastructure provider. Without this clarity in the Local Plan, the County Council considers that there is a significant risk that essential schemes identified in the Infrastructure Delivery Plan will not be delivered. This is also the case where developers are allowed to make a section 106 contribution to the County Council, which then passes the risk to the County Council to deliver the scheme. The County Council will only accept section 106 contributions where sites are a significant distance from the development and where there are several developments, each producing an impact to be mitigated at the same location, where County Council cost consultants have been used to identify the required contribution and there is an appropriate allowance within the budget to cover risk of cost increases dependent on the level of investigation undertaken as design work progresses.

Policy/Paragraph	Commentary
Table 1 – Vision and Objectives	**Highways and Transportation** The County Council continues to raise concerns that the CIL bidding process is a barrier in the delivery of infrastructure schemes which have already been identified as necessary to mitigate the impact of development. There should be a presumption that schemes necessary to mitigate the impact of a development should be delivered by the developer and at their risk rather than that of the infrastructure provider. The County Council would ask that the Local Plan include policies to cover these key issues. **Public Rights of Way and Access (PRoW)** As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the County. The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council's Rights of Way Improvement Plan (ROWIP) and the County Council's 'Framing Kent's Future' strategy for 2022-2026. PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The addition of PRoW within the Glossary is welcome; however, it is recommended statuses of these four paths, provided above, are specifically stated as these are the terms most people are familiar with and so will avoid doubt or misunderstanding. The PRoW network serves a broad range of users and delivers diverse benefits - often considered a recreational network of paths for personal health and wellbeing, it is also a means for: people to access services and workplaces, a safer alternative to local roads, offers sustainable transport opportunities so improving local air quality, supports many aspects of local (often rural) economies, and fosters community cohesiveness and interaction. The County Council recognises that PRoW is relevant to the Plan's Vision Statements V1, V2, V3 and V7; and Objectives OB1, OB5, OB7, OB17 and OB19. The PRoW network is a key element in how Sevenoaks District will develop to 2040 and, likely, beyond. The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices; and, therefore, expects the Plan to give prominence to PRoW and improvement to the network during its duration.
Chapter 1: Development Strategy	
Development Strategy	**Highways and Transportation** The County Council, as Local Highway Authority, welcomes and supports the approach taken by the District Council to identify and prioritise development sites in locations where it is possible to walk and cycle to key facilities, and where necessary improvements can be delivered in accordance with design standards such as LTN 1/20 for Cycling. The County Council is also supportive of allocations where public transport services are commercially viable or have the prospect of becoming commercially viable with 'up front' developer contributions to improve routes and services.
Regulation – Part One – Settlements	**Highways and Transportation** The County Council, as Local Highway Authority, welcomes and supports the approach taken by the District Council to prioritise developments within and around existing settlements where these offer opportunities for journeys to be undertaken sustainably on foot, by bike or on public transport.
Table 1.4 Pedham Place – Further Information	The County Council would welcome engagement with the District Council should this strategic site be pursued, this is to ensure that the infrastructure required to support the new settlement is planned for from the outset, with adequate funding mechanisms identified, and a programme of infrastructure delivery established. The County Council notes that a site at this quantum will need to deliver considerable a range of infrastructure, and therefore the County Council would welcome continued engagement to address this challenge and ensure the site remains viable and deliverable if it is to be pursued. **Highways and Transportation** The County Council, as Local Highway Authority, notes that Pedham Place is the only site submitted which has the potential scale to accommodate a 'stand alone' settlement. The County Council, as Local Highway Authority, has significant concerns with the location of the settlement. The proximity to the M25 creates a barrier for sustainable transport journeys by foot, bike or public transport and will make it more likely that this will become car orientated. For this significant size of development, the proposal must include the provision of

Policy/Paragraph	Commentary
	high-quality sustainable infrastructure up front and in accordance with the hierarchy set out in the transport section of the plan, measures to sustain public transport services, a good mix of land uses to contribute to the 'internalisation' of trips will all be essential to counter this outcome. All of these measures will need to be brought together in a comprehensive Masterplan. The County Council would therefore welcome further engagement on this site with both the District Council and any site promotor regarding necessary mitigation to ensure that suitable sustainable transport and active travel opportunities are secured through the Local Plan and delivered. The County Council also draws attention to the need for National Highways to be engaged. The County Council, as Local Highway Authority, will constructively engage with parties to ensure any scheme which may be brought forward is appropriate and the County Council looks forward to understanding and contributing to the proposed mitigation measures which may be brought forward as part of the Local Plan.
Policy ST1 – A Balanced Strategy for Growth	**Highways and Transportation** The County Council, as Local Highway Authority, recommends the following additional text within this policy: *There will be a particular focus on sites that are close to services and facilities and/or well-connected by public transport, walking and cycling,* and with the potential for these to be further improved.
Consultation Questions 1. Which is your preferred option? a) Option 1 – Baseline plus AONB sites on the edge of settlements b) Option 2 – Baseline plus standalone settlement c) Option 3 – Combined approach of all the above d) None of the above 2. Please explain your answer	The County Council would welcome continued engagement as the growth options and proposed allocations are considered and developed to ensure they are support by adequate infrastructure. **Development Investment** The County Council would prefer the development of areas of the district where the combined quantum of development sites will more adequately support the future development of necessary infrastructure to support communities – infrastructure than can be planned for, funded and delivered in a timely manner. **Highways and Transportation** The County Council, as Local Highway Authority, have preference to Option 1 where the sites on the edge of settlements can be well served by sustainable transport options. If this is not the case, then Option 2 would be preferable where the stand-alone settlement is of sufficient scale and mix of land uses to fund significant investment in infrastructure to enable the development to meet sustainable objectives.
Policy ST2 – Housing and Mixed Use Site Allocations	**Highways and Transportation** The County Council, as Local Highway Authority, looks forward to continuing to work with the District Council to ensure that allocated sites within the Local Plan can be suitably and safely accessed from the public highway, where good quality footways and cycle routes and crossing points in accordance with latest design standards exist or can be implemented and extended to the development site. Allocated sites should also have access to good quality public transport services or be where services can be suitably improved to provide a realistic alternative to a car journey, and where capacity is available on the network or where this can be improved in accordance with emerging transport policies. The County Council, as Local Highway Authority, raises considerable concern relating to the insufficient information provided at this stage to determine whether issues with the sites within this policy can be overcome. The County Council would therefore strongly recommend that further engagement is carried out with the County Council, as Local Highway Authority, as these sites are assessed for their suitability as allocations within the Local Plan. *MX10 Land at Breezehurst Farm* This site is potentially in an unsustainable location – the County Council is concerned whether sustainable transport opportunities can be offered to Edenbridge Rail Station, alongside other local amenities and employment. At present, access only appears to be via Crouch House Road, and this could result in the development having a high reliance on car travel. The County Council also raises concerns relating to pinchpoints on Crouch House Road (rail bridge with height restriction) and insufficient railway bridge widths on Hilders Lane, Grants Lane and Dwelly Lane which could affect construction and public transport connections to the site and wider amenities. Safe and suitable access should be further assessed.

Policy/Paragraph	Commentary
	MX9 Land off Fairmead Road Fairmead Road does not appear to be adopted by the County Council, this will need to be addressed. *HO25 Land to the west of Manor Lane, Hartley* The site has a lack of safe and suitable access and is isolated from sustainable transport connections and local amenities. *HO29 Brittains Lane, Kippington* The County Council notes that there is a need to understand traffic generated by the site on Brittains Lane / Oak Lane, and Brittains Lane / A224 London Road junctions and that safe and suitable access is available to the site and wider amenities. *HO28 Land between Back Lane and the A21, Bessels Green* The County Council is concerned regarding the lack of visibility splay for B2042 Cold Arbor Road when at A25 junction looking south-west bound. This will be intensified by development and increase in traffic which causes a potential safety concern. *MX15 Pedham Place (possible Wasps site west of M25)* The County Council raises the need for safe and suitable access to be secured to both Pedham Place and the possible Wasps site currently lack active travel links. Possible development to the west of M25 will also have a pinch point due to Wested Lane railway bridge, this must be further considered by the District Council. It is also noted by the County Council that bus services will also struggle to serve the western development in its current form. *HO14 Land at Lullingstone Avenue, Swanley* The County Council notes the uncertainty that the full extent of Lullingstone Avenue is adopted by the County Council – this will need to be addressed. The above comments should not prejudice the County Council, as Local Highway Authority, if other highway issues arise during the planning process for these or other sites which may be put forward for allocation within the Local Plan. The County Council notes that the Kent Transport Model (KTM) is being utilised by the District Council and this will provide a transport evidence base to inform decisions over capacity for housing and employment site locations and quantities. **Minerals and Waste** It is noted that the Sevenoaks Local Plan period is coincident with the proposed full review KMWLP 2024-39. The County Council, as Minerals and Waste Planning Authority, notes that this policy contains a number of sites where safeguarded land-won minerals occur, these are: *Sevenoaks Area Baseline Sites* M4 Sevenoaks Quarry, Bat and Ball Road 950 units-coincident with Folkestone Formation *Westerham (Option 1 Sites)*

Policy/Paragraph	Commentary
	HO31 Land East of Croydon Road (Southern parcel), Westerham 82 units-coincident with Folkestone Formation HO32 Land East of Croydon Road (Northern parcel), Westerham 76 units-coincident with Folkestone Formation *Sevenoaks Urban Area (Option 1 Sites)* HO28 Land between Black Lane and A21, Bessels Green 183 units-coincident with Hythe Formation (46.15%), Folkestone Formation (20.95%) HO29 Brittains Lane, Kippington, Sevenoaks 300 units-coincident with Hythe Formation MX13 Land at Moat Farm, off Homedean Road, Chipstead 70 units-coincident with Hythe Formation River Terrace Deposits (17.26%), Folkestone Formation (100%) Allocation site M4 is an operational quarry, and it is understood that full extraction of the permitted reserves by the current operator would be carried out prior to any non-mineral related development. The County Council would ask that this is recognised by the Local Plan. The other sites all have a degree of coincidence with safeguarded land-won minerals (Policy CSM 5: Land-won Mineral Safeguarding of the KMWLP). The County Council, as Minerals and Waste Planning Authority, strongly recommends that the District Council, as part of further assessment of the sites prior to a Regulation 19 consultation, should fully assess these sites as to their effect on the safeguarded minerals (if prior extraction of the minerals is not envisaged as part of their development). If an exemption to the presumption to safeguard is then considered appropriate, there should be a fully evidenced Minerals Assessment (MA) that demonstrates why any of the exemption criteria of Policy DM 7: Safeguarding Mineral Resources can apply. The potential for significant sterilisation of a strategic aggregate mineral (Folkestone Formation) is of concern, Kent is a significant area for the supply of this mineral, not only for Kent's needs but other areas in the Southeast where this important mineral is either absent or significantly constrained by such designations as Natural Landscapes and National Park designation. Therefore, it is considered that there may well be a case for a degree of prior extraction of some, if not all, the coincident sites discussed above.
Sevenoaks Railway Station	**Highways and Transportation** Sevenoaks Railway Station is a key sustainable transport hub and as such is considered a good location for growth and increased densities with appropriate parking standards and investment in enhancing public transport and walking and cycling infrastructure provision. More detailed transport modelling (based on the local plan transport model) is likely to be required to understand the interactions within the local transport network depending on the scale and characteristics of the development.
Chapter 2 Housing Choice for all	
Housing for Older People	**Development Investment** The County Council welcomes the District Council's support and willingness to work with the County Council on the delivery of suitable housing for older people. In addition to the appropriate physical accommodation, the County Council is seeing substantial change in how social care is delivered, with a significant move toward telecare and assisted living services that can be accessed from a person's existing home. The County Council would therefore welcome the opportunity to look for the District Council's support in securing future developer contributions via its CIL mechanism that allows appropriate adult social care infrastructure and equipment to be funded and delivered for the benefit of Sevenoaks older residents. A further issue that is being seen county wide, and equally in Sevenoaks, is extreme difficulty recruiting staff into the Adult Social Care sector. This is a growing problem and may be exacerbated as Sevenoaks population ages further. The County Council would welcome joint working with the District Council to understand opportunities where the Local Plan may be able to assist with this issue. The consultation document is clear in its narrative that Sevenoaks has a significantly ageing population, and the pressure on adult social care infrastructure and resources is very high. In the same way that the District Council has moved education out of its CIL governance to ensure that the impact of development is fully mitigated, the County Council would

Policy/Paragraph	Commentary
	like to encourage a similar approach around the delivery of adult social care infrastructure, due to the high importance of ensuring adequate care for people in need. The County Council would therefore ask that further liaison takes place in regard to understanding the needs of adult social care to ensure that the changing infrastructure and service needs are understood and that the funding is appropriately secured. Kent County Council also supports the focus on providing specialist older persons accommodation, through Policy H4 and would like a be involved in further discussions to make sure that the current and emerging needs of the elderly population continue to be supported through the Local Plan.
Housing density and intensification	**Highways and Transportation** *Paragraph 2.31* The County Council is supportive of the District Council's approach to increase the density of housing provision where these will meet housing need and lead to properly planned for provision supported by the 6 types of areas identified by the District Wide Character Study (DWCS).
Gypsy and Travellers	**Sustainable Urban Drainage Systems (SuDS)** *Paragraph 2.35* The County Council notes a typographical error within this paragraph and recommends it is corrected to "*an area* not *likely to flood".*
Chapter 3 Employment and Economy	
General Comments	**PRoW** The County Council is supportive of Policy TLC1 7ii and the promotion of walking and cycling; and Policy TLC2, which encourages access via sustainable modes of transport. The County Council also appreciates the various references to promoting sustainable access in town centres - the Local Plan's support for sustainable access will contribute to changing cultures and, over time, should see more people adopt these modes for local journeys. Tourism and the visitor economy is an important economic driver for the District. The PRoW network supports this sector as shown by Figure 3.5, which recognises the District's only National Trail - the North Downs Way - and other local promoted routes. The County Council therefore also welcomes Policy EMP6 and its reference to improving 'last mile' links - over time these small improvements will enhance the PROW network and so increase the likelihood of use by a greater audience with all the consequent personal, environmental, and economic benefits.
Delivering new employment land	**Highways and Transportation** The County Council, as Local Highway Authority, looks forward to continuing to work working with the District to ensure proposed sites within the Local Plan can be suitably and safely accessed from the public highway, where good quality footways, cycle routes and crossing points in accordance with latest design standards exist or can be implemented and extended to the development site and where good quality public transport services exist or can be suitably improved to provide a realistic alternative to a car journey, and where capacity is available on the network or can be improved in accordance with emerging transport policies.
Chapter 4 Climate Change	
Mitigating and Adapting to the Impacts of Climate Change	**Highways and Transportation** *Section 4.4* The County Council, as Local Highway Authority is supportive of the policies in section 4.4 where these relate to location and transport and travel.

Policy/Paragraph	Commentary
Policy CC1 Mitigating and Adapting to the Impacts of Climate Change	**PRoW** The recognition that 36% of the District's CO2 emissions result from transport (Figure 4.1) is a clear justification for future developments to deliver Active Travel enhancements. Policy CC1, bullet 2 acknowledges by inference that sustainable movement can reduce emissions. The County Council recommends the inclusion of a clearer statement requiring provision of agreed sustainable Active Travel options, thereby supporting and underpinning other sections of the Plan.
Policy W1 Flood Risk	**Sustainable Urban Drainage Systems (SuDS)** The County Council, as Lead Local Flood Authority notes the following extract from the policy - *"Flood mitigation measures shall be installed and maintained in perpetuity at developers' own expense or put into a management company to ensure their long-term retention, maintenance and management. The provision of any other flood protection and resilience measures required will be informed by the Flood Risk Assessment."* Assuming that Flood Mitigation measures incorporate SuDS, it should be recognised that some SuDS Systems are adopted by a Water and Sewerage Company or even, on rare occasion, the County Council as Local Highway Authority - therefore not for the developer / a management company to fund the maintenance of. The County Council would therefore ask that this be recognised in the policy.
Sustainable Drainage	**SuDS** Paragraph 4.23, states *"In 2015, Kent County Council became a statutory consultee as the Lead Local Flood Authority and adopted a Drainage and Planning Policy Statement which should also inform the development of drainage schemes,".* The County Council latest policy was adopted in 2019. The County Council would ask that this be reflected within the Local Plan. In respect of the extract - *"There will also be situations where consultation with the Environment Agency will be necessary, such as where there may be a risk to groundwater Source Protection Zones or vulnerability zones."* The County Council would advise that for any surface water proposed to enter a main river, the approval of the Environment Agency is also required.
Policy W2 Sustainable Drainage	**SuDS** The policy states*: "All drainage schemes must deliver a net reduction in runoff rates, mimic natural drainage flows as closely as possible and manage surface water as close to the source as possible."* Whilst this is commended, it appears to be in conflict with the requirements of DEFRA's Non Statutory Technical Standards (S2) for sustainable drainage systems (s2) which states*: "the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event."* Whereby it is required for any new surface development to go out at a rate no greater than existing, it does not require a net reduction – the District Council may wish to consider this.
Chapter 5 Design	
General Comments	**Development Investment** The County Council considers that it is positive to see Design Review Panels utilised to ensure high quality design is achieved – particularly in medium to large development schemes.
Policy D3 Design Codes	**PRoW** The chapter seeks to require that all new developments create well-designed places to promote sustainable and healthy communities. The proven benefits of safe and secure spaces, having green space in close proximity, and convenient walking and cycling access, is widely documented; and supports the Plan's stated Objectives. Reference to healthy and sustainable communities is therefore encouraged throughout the Local Plan. The County Council would also strongly encourage reference to the design of non-motorised access provision to ensure accessibility for all.

Policy/Paragraph	Commentary
Chapter 6 Health and Wellbeing	
General Comments	**Heritage Conservation** The County Council welcomes the Strategic Objective set out within this paragraph. The historic environment also has a role to play in public health. The current and substantial pressures faced by health and social care demand a search for innovative solutions to continue meeting the demands of a modern population over the coming years. Heritage can play an important role in the contribution of the arts to person-centred, place-based care through means such as arts-on-prescription activities, cultural venues and community programmes. The historic environment, archaeology and heritage form part of our experience of being human and can provide individual as well as collective opportunities to engage with arts and culture whilst having positive effects on our physical and mental health and wellbeing in the process.
Chapter 7 Historic Environment	
General Comments	**Heritage Conservation** In 2017, the District Council published its Historic Environment Review document. Section 6.3.3 states "*The District's legacy has been handed down through the generations, but it cannot be taken for granted. Some of that inheritance is under greater threat than ever before, and its future cannot be taken for granted. There is an important story to tell, and it is strongly recommended that the Council prepare an overarching heritage strategy which articulates the historic character and evolution alongside reference to the spectrum of strategies and potential projects which would enable more effective protection, celebration and enhancement of the historic environment*." As far as the County Council is aware, the Sevenoaks Heritage Strategy has never been developed and this is reflected in the draft Local Plan policies, which at present, do not fully describe the role that the District's heritage can play in life in the area and explain how it can contribute to health and wellbeing, the economy, social inclusion and education. The County Council would recommend that the District Council develops the Heritage Strategy as recommended by the Historic Environment Review. **Libraries** Sevenoaks Museum houses many historic objects that tell the story of the development of Sevenoaks & forms part of the historic assets of the town, therefore, the County Council would expect the Museum to be referred to within the Local Plan.
Figure 7.1: Heritage Assets and Conservation Areas	**Heritage Conservation** It should be noted, that in addition to the nationally and locally designated heritage assets shown, there are also numerous non-designated heritage assets in Sevenoaks. These local sites - archaeological sites, historic buildings and landscape features, are often what give areas their distinct historic character and also need to be conserved and enhanced during development management, where possible.
Strategic Objective OB16.	**Heritage Conservation** The County Council supports the strategic objective as if successfully achieved, it allows Sevenoaks to grow while preserving its distinct historic character. *Paragraph 7.7* The County Council recommends replacing the the word *"useful"* with invaluable. The Historic Environment Record (HER) is the only place where information on the wide diversity of heritage sites and features is brought together, in fact including data from all the other resources identified in this section.
Policy HEN1 Protecting and Enhancing the Historic Environment	**Heritage Conservation** The County Council is supportive of this policy and is pleased to see the full range of heritage features included in the policy. Change in rural areas should certainly be managed sensitively. It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, Kent County Council and Kent Downs

Policy/Paragraph	Commentary
	AONB have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed on whether they are consistent with existing character. The Kent Farmsteads Guidance has been endorsed by the County Council and it is recommended that District Council considers adopting the guidance as Supplementary Planning Document.
Policy HEN2 Sensitivity Managing Change in the Historic Environment	**Heritage Conservation** While the current text is correct, it should be noted that where the asset affected is an archaeological asset, the Heritage Statement may need to incorporate a Desk Based Assessment (DBA) or even the results of archaeological fieldwork. The County Council can advise on the need for a DBA/fieldwork on a case-by-case basis.
7.13 Archaeology	**Heritage Conservation** The current text is incorrect and needs to be amended. In recent years the Areas of Archaeological Potential (AAP) dataset has been replaced with Archaeological Notification Areas (ANA). No reference should therefore be made to AAPs. In addition, it is not appropriate to regarded ANAs as heritage assets as all areas are covered by ANAs of one grade or another, so all of Sevenoaks would be regarded as a heritage asset under the current text. The County Council would therefore recommend the following text is included within the Local Plan: Kent County Council has defined Archaeological Notification Areas to guide Sevenoaks District Council on when to consult the County Council on proposals affecting archaeological assets. These can be viewed on the Sevenoaks District Council website. It would then be helpful for the District Council to include the ANAs on their website.
Policy HEN3 Archaeology	**Heritage Conservation** As noted above, Areas of Archaeological Potential are no longer used – the following amendment is therefore recommended: *"Where an application is located within, or would affect an ~~Area of Archaeological Potential or suspected area of archaeological importance~~* an archaeological asset, *an archaeological assessment should be provided."* The second sentence – *"Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is appropriate."* is also incorrect in its current form. The National Planning Policy Framework (NPPF) makes it clear that excavation and recording is not an equal alternative to preservation in-situ, it should only be carried out where preservation in-situ is not appropriate. The current text does not make that order of priority clear. The County Council would suggest the following is replaced by: Where development proposals affect non-designated heritage assets with an archaeological interest, the District Council would expect the archaeological deposits to be preserved in-situ. Where this is not possible, clear justification will be required. The fourth sentence is also slightly confusingly worded as it is not clear what the 'possible impact' refers to. It could perhaps be better worded as: *"Developers will be required to record any heritage assets to be lost (wholly or in part) in a manner proportionate to their ~~importance and possible impact~~* significance and the potential impact of their proposals".
Policy HEN4 Locally Listed Buildings and Assets	**Heritage Conservation** The County Council is pleased to see that the policy requires applicants to demonstrate that the significance of the assets has influenced the design of the proposals.

Policy/Paragraph	Commentary
	The County Council would also suggest that the Historic Environment Record be identified as the appropriate repository of information about locally listed assets, so that it is available to all those preparing development proposals in the District.
Policy HEN5 Responding to Climate Change in the Historic Environment	**Heritage Conservation** The County Council is pleased to see this policy included in the draft Local Plan. Climate change will significantly impact the District's heritage and it was encouraging to see this reflected in the policy. The current text focuses on adapting historic buildings to make them more efficient. Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation ('Climate Change Adaptation Report' (Historic England, 2016)). The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This has also been updated in the HE report 'There's no Place Like Old Homes: re-use and Recycle to Reduce Carbon' (Historic England 2019). This could usefully be highlighted in the text as an encouragement to retain old buildings where possible. A second issue of relevance that should be mentioned here is the role that SuDS can have on buried archaeological remains, as these are an important response to climate change. SuDS may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels, which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable to flood damage to their foundations than modern buildings. When SuDS are planned, it is important that the potential impact on the historic environment is fully considered, and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record and by taking relevant expert advice. The County Council has recently produced advice for SuDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.
Policy HEN7 Historic Parks and Gardens	**Heritage Conservation** *Clause (b)* It should be noted that there are no truly natural landscapes in Sevenoaks. The landscape that is visible today is the result of many centuries of evolution and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past. The Kent Historic Landscape Characterisation Survey (2001) (HLC) is an important resource for understanding the landscape of Kent and its development through time. The County Council emphasises that the HLC is a strategic, not local, assessment. It allows a look at the landscape of Kent and draws conclusions about the development of the landscape in different parts of the county and the county as a whole. It is not detailed enough to use at a small scale. It is not appropriate, therefore, to use the HLC data alone to inform specific development proposals or to identify potential development sites. To assess the historic landscape in a detailed way it is necessary to refine the existing HLC further. Tunbridge Wells Borough Council has recently done this for their Borough and the County Council recommends that District Council also undertakes this exercise – the County Council would welcome further engagement on this point.
Chapter 8 The Natural Environment	
General Commentary	**PRoW** The County Council welcomes reference to PRoW and cycle routes being part of the District's Blue Green Infrastructure Network. When taken with the recognition within paragraph 6.8 that local planning policy is able to influence local access provision, the proposed requirement for planning applications to recognise, protect and enhance Blue and Green Infrastructure (Policy BW1) is desirable. However, some applicants may not recognise access as part of this policy given the title 'Safeguarding Places for Wildlife and Nature'. It is therefore requested that this is amended to ensure access is specifically acknowledged.

Policy/Paragraph	Commentary
Chapter 9 Infrastructure and Community	
General Commentary	The County Council would welcome continued engagement with the District Council in respect of the Infrastructure Delivery Plan preparation and updating to ensure it remains up to date and includes necessary infrastructure to support the delivery of sustainable development. The County Council notes that reference is made to viability within this section. The County Council highlights the need to ensure proposed allocations, and the necessary infrastructure to support those allocations can be viably delivered. The County Council agrees that delivery *"of suitable and appropriate infrastructure to support growth, alongside the maintenance of existing infrastructure, is crucial to the wellbeing of residents, those who visit, provide services, invest and work in the District*." (p235). However, the County Council would recommend that reference is made to timely provision of infrastructure – seeking to ensure infrastructure is provided at the right place at the right time, as seen in the first Regulation 18 consultation. **Waste Management** Significant development within the Sevenoaks District will undoubtedly put additional pressure on the waste services provided by the County Council in this area. The County Council as the Waste Disposal Authority (WDA) provides a Waste Transfer Station (WTS) at Dunbrik, Sevenoaks for the receipt of kerbside waste collected by Sevenoaks as the Waste Collection Authority (WCA). There is also a co-located HWRC for residents to dispose of household waste. Sevenoaks also benefits from a small standalone HWRC in Swanley. Both of these facilities are strategic, serving not only the whole of the Sevenoaks District, but also parts of adjoining Districts. The provision for waste is not mentioned in detail in this document. Considering the extent of the development proposed, there is a need for waste and the increased demand on infrastructure to be discussed. This could be reported in a positive way as the County Council already has a project in progress and another identified to address this projected demand. The County Council has undertaken an Infrastructure Review and identified an immediate need for a replacement Waste Transfer Station and future expansion of the Swanley HWRC to meet housing demand as set out in the Local Plan document. The WTS is operating at capacity and will not be able accommodate all the waste arisings collected by the District Council as the WCA without redevelopment. A project to construct a replacement WTS on land adjacent to the existing WTS is currently being progressed. The Swanley HWRC is a small site which accepts a wide range of household delivered materials and has a growing population catchment. As the site does not have enough space for a separate HGV area, it has to be closed when the bins need to be changed. This results in queues of householder vehicles building up on the approach road, which also impacts upon the local highway network. Bin changes are also more frequent than on larger sites, as a lack of space means that there is only storage for a limited number of empty bins. Due largely to the HWRC booking system, the County Council is currently forecasting sufficient capacity for the short term (up to 5 years) with the potential need to expand in the medium term (5-10 years).
Policy IN1 Infrastructure Delivery	**PRoW** The County Council notes the following extract of this policy - "*All new development must be served and supported by appropriate on and off-site infrastructure and services as identified in the Infrastructure Delivery Plan (IDP)'".* Recognition of the need to deliver infrastructure both onsite and offsite is vital as access between destinations is rarely limited to a single environment. The County Council would welcome therefore continued engagement in relation to the Infrastructure Delivery Plan. It should, however, be also recognised that access infrastructure could be required that is not specified within the IDP - some projects, such as removing, say, unnecessary staggered barriers, will be too small to be listed within the IDP. Infrastructure requirements must not, therefore, be limited only to those schemes or works included within the IDP and Policy IN1 must be revised accordingly.
Education	**Development Investment** The County Council would prefer the development of areas of the district where the combined quantum of development sites will more adequately support the future development of education infrastructure. Small, disparate development sites can lead to difficulties in the planning and development of education infrastructure in particular. The County Council requests clarification as to whether the graphic about housing need on page 66 correct – it states that the overall housing need is 10,680, with 6,345 as affordable housing – that's almost 60% affordable. However, on page 72, the consultation document then talks about 30% affordable on brownfield sites and 40% affordable on greenfield sites, suggesting an average of 35% affordable.

Policy/Paragraph	Commentary
	Based on the overall housing need of 10,680 dwellings over the Plan period, and assuming a 35% affordable housing target within the overall dwelling number, this estimates a need for 8.5 FE of secondary education infrastructure, and 250 Sixth Form pupils. For primary education, the dwellings numbers suggest a future need for 10FE over the same plan period. However, it is not immediately straight forward to suggest where the additional capacity will be required until there is more certainty and detail provided around the allocation of future development sites. As a general comment, the County Council welcomes the steps that the District Council is now considering in order to ringfence the delivery of education infrastructure via section 106 planning obligations and to effectively remove it from its current CIL governance. **Education** *Paragraphs 9.18 -9.20* There is an error at paragraph 9.18, where it states: "There are 34 state primary schools in the District". The correct number is 42 primary schools including one infant and one junior school. Also in paragraph 9.18, the County Council is pleased to note the recognition that there is no remaining capacity in Sevenoaks District secondary schools. Any new housing, even very small developments, adds to that demand. The County Council has no capital budget for accommodating new pupil demand as a result of new housing so this recognition should lead to robust section 106 agreements where developer contributions and land are made available to the County Council to enable new provision to be built. In paragraph 9.19, there is a recognised need for a new secondary school in the central/northern part of the district to be delivered within the plan period. However, this is largely dependent on the large development site going ahead, due to the availability of land. If the large developments go ahead in the North of the district, then a new 5FE-6FE secondary school will be required. A site of approximately 5 hectares, and sufficient developer contributions is then required. The safeguarded land for a secondary school in Edenbridge is welcomed. However, before the Department for Education will allow a new school to opened, the County Council must demonstrate that such a school would financially viable. Currently, the planned new housing in Edenbridge is only just sufficient to indicate that a 4FE school would be viable. A 5FE school is more feasible. Within paragraph 9.20, the Local Plan refers to the new Special Educational Needs provision in Swanley. The County Council seeks engagement with the District Council and other relevant stakeholders, including the local community to ensure that these plans are progressed. **Adult Education** The County Council would welcome continued engagement with the District Council in respect of adult education. In future years, it is likely that the County Council will move towards seeking flexible and multifunction shared accommodation that could deliver adult education services, amongst other beneficial uses.
Policy ED1 Education	**Education** This policy states that the District Council will work with the County Council as Education Planning Authority to ensure that sufficient provision is available at the time that it is needed. This is very welcome, caveated by a repeated mention that any new schools will have to be entirely funded by developers through developer contributions. Sufficient buildable land must be identified through scheduling, with a view to such land being transferred free of charge, as the County Council has no funding to purchase land or fund new build.
Sports and Leisure Facilities	**Sports and Recreation** The reference to Sport England's Active Design Guide is welcomed.

Policy/Paragraph	Commentary
	The Local Plan consultation document references the 2018 Playing Pitch Strategy (PPS) – this data is rather out of date. The District Council is encouraged to update the PPS as these should typically last 5 years – engagement would be welcomed on this update.
Policy SL1 Sports and Leisure Facilities	**Libraries** Discussions about the current library building and the potential for the library service to move to a newly developed leisure site is underway between the District and County Council.
Policy UD1 Utilities and Digital Infrastructure	**Digital Infrastructure** The policy is noted, however it is considered that an update to the text is required as it is referring to superfast broadband when Government policy has been pushing for gigabit-capable (i.e. full fibre) since the publication of the Future Telecoms Infrastructure Review in 2018. 75% of premises in Kent now have access to gigabit-capable connections and the Government's ambition is to achieve near universal coverage across the UK by the end of the decade. It is requested that reference to *"superfast"* should be replaced with gigabit-capable.
Community Facilities and Services	**Libraries** The County Council notes that there is very limited reference to libraries – Libraries, Registration and Archives is a significant community service with 11 libraries, additional mobile stops, and a home library service offer that reaches across the whole district and should be considered within the Local Plan.
Infrastructure Delivery	The County Council refers to commentary made within the introduction in relation to section 106 agreements and Community Infrastructure Levy. **PRoW** *Paragraph 9.7* The paragraph recognises the need for infrastructure to be delivered on occasions ahead of development. The County Council strongly supports this approach and will look to the District Council to require such a delivery. Experience has shown the late delivery of infrastructure causes unnecessary disruption and fails to embed new or changed behaviours, resulting in failing to attain hoped for benefits. In ensuring infrastructure exists from the outset for a development beginning to be occupied, this will help establish positive behaviours, particularly avoidance of using cars for local journeys.
Chapter 10 Transport	
General Commentary	**Highways and Transportation** The County Council's Local Transport Plan 5 is currently being developed in accordance with Government policy and this offers a real opportunity for policies in this and the Sevenoaks Local Plan to reinforce each other to better address challenges and deliver outcomes listed in the plan. The County Council looks forward to working with District Council to address the challenges of promoting sustainable transport choices in line with emerging national and local transport policies. As discussed within the Local Plan consultation document, the outputs from the transport model for Sevenoaks, developed from the Kent Transport Model, will provide the necessary evidence base to identify 'hot-spots' and mitigations to be included in the Infrastructure Delivery Plan or to highlight the need for adjustments in the spatial strategy.
Policy T1 Sustainable Movement Network	**PRoW** The County Council strongly encourages partnership working regarding changes around the PRoW network to ensure consistency both with standards around the county-wide PRoW network and the various applicable statutory procedures, such as when upgrading the status of a Public Footpath to Public Bridleway to establish public access rights for cyclists and horse riders. The Local Plan consultation document recognises the County Council as a partner, such as in Policy T1, but would like to see the County Council stated specifically in its role in respect of the PRoW network.

Policy/Paragraph	Commentary
	The County Council must remain engaged with the District Council in respect of the PRoW network to ensure it remains relevant to changing needs, promotes opportunities to enhance active travel, and prioritises projects to maximise active travel benefits. As noted in the County Council's response to previous Regulation 18 consultation, the popularity of horse riding and its contribution within the rural, tourism and visitor economy has not been acknowledged – this should be included in further Local Plan documentation. The County Council's previous request for recognition of those with disabilities has been acknowledged with consideration of need for 'wheeling' (this should be defined within the Glossary for ease of understanding). However, disabilities are broader than just mobility impairment - the Local Plan must acknowledge this and consider how development can ensure those with other disabilities are provided for so as to conveniently enjoy access within the District. The County Council has been unable to find reference within the Plan to the **ROWIP**, a statutory document for PROW management. The ROWIP's six 'Key Themes' complement the Plan's ambitions so it would seem relevant and advantageous to acknowledge the ROWIP. The ROWIP should be recognised as part of the Evidence Base documents. The PRoW network needs to be enhanced and extended to support the Local Plan's active travel ambitions. The PRoW network is disjointed, whether severed by roads or having no continuity of public rights; and is predominantly comprised of Public Footpaths, where lawful public use is limited to pedestrian and mobility vehicle access. Significant off-road access enhancement will be gained by up-grading the status of footpaths to bridleways, thereby extending lawful use by cyclists; and this can often be achieved at comparatively small cost to road network enhancements. It is recommended Policy T1, bullet 11 uses this as an example - it is believed many prospective developers will be unaware of this as an option. The County Council supports Policy T1: Sustainable Movement Network in respect of bullets 8, 10, 11, 12, and 13.
Policy T2 Sustainable Movement	**Highways and Transportation** The policy will need to include a requirement for developers to implement Travel Plans to monitor mode share and implement and promote a range of transport measures to achieve agreed targets. It is recommended that the District Council forms a support network for organisations with travel plans in the district. **PRoW** The Sustainable Movement Hierarchy (Figure 10.3, para. 10.7, and Policy T2) is welcomed in principle. Thie policy should ensure that development contributes to meaningful improvement (both on and off site) towards facilities across the District being accessible by all.
Vehicle parking	**Highways and Transportation** The District Council should liaise with the County Council in respect of vehicle parking standards.

Growth and Communities

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Ashford Borough Council
Civil Centre
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9 February 2024

BY EMAIL ONLY

Dear Sir / Madam,

Re: Aldington and Bonnington Neighbourhood Plan – Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Aldington and Bonnington Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the document.

2. About Aldington and Bonnington

Paragraph 2.7

Heritage Conservation: The text currently suggests that Aldington was the probable scene of the Roman invasions of 55/54 BC and AD43. This was presumably not the intention of the authors as Aldington is nowhere near the presumed landing place of the Romans at Deal (55/54 BC) and Richborough (AD 43) and they are probably referring to the general context of Kent in the Roman period. Nevertheless, the current text is confusing and the County Council would ask that this is amended. It is the view of the County Council that the text also ignores the earlier prehistory of the Neighbourhood Plan area as well as the subsequent history, jumping to the 20th century. The County Council has provided some detail within Appendix A which may be useful in providing additional information around the heritage interests of the area.

Public Rights of Way (PRoW): The County Council, in respect of PRoW, is keen to ensure its interests are represented within local policy frameworks across Kent. The County Council is committed to working in partnership with parish councils to achieve the aims contained

within the Kent County Council Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

The County Council supports the draft Neighbourhood Plan and welcomes the amendments made following its response to the Regulation 14 consultation, particularly the inclusion of reference to the County Council's ROWIP. This will enable successful partnership working to continue and deliver improvements to the PRoW network in the Parish.

About Aldington and Bonington

PRoW: The County Council notes that this section still omits inclusion of the PRoW network within the parish, comprising Public Footpaths, Bridleways and Byways. It is suggested that this is rectified. The County Council also suggests that the North Downs Way National Trail is included within this section.

Paragraph 2.15

PRoW: in considering improving accessibility, it is recommended that this paragraph should reference the PRoW network specifically, rather than just footpaths and cycle paths, to strengthen opportunities for funding improvements.

3. A Vision for Aldington and Bonnington

Paragraph 3.1

Heritage Conservation: The draft Vision does not refer to the character of the Neighbourhood Plan area at all. It would be preferable if the quality of the area's built and historic character were acknowledged in the Vision, together with a commitment to enhance it.

Objective 1: Conserve the rural landscape character and views

Heritage Conservation: It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, the County Council and the Kent Downs Unit have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character – this guidance should be considered.

Objective 3: Celebrate our built heritage and achieve high quality design

Heritage Conservation: The County Council welcomes this objective and particularly the intention to develop a local design guide.

Objective 6: Mange the impact of traffic

PRoW: The County Council notes that the reference to working with "Kent Highways" is incorrect and should instead refer to working with County Council, as the Local Highway Authority, including for PRoW.

4. The Rural Environment

Flooding and Drainage

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, notes that its previous recommendations appear to have been considered and included within paragraph 4.35. The County Council does, however, feel this could be strengthened with regards to requiring new developments to restrict flows from site to no greater than existing run off rates or to even seek betterment if new developments are upstream of known flood issues; however, it is accepted that as stated (*"Drainage matters and the use of sustainable drainage are considered in ABC policies")* sufficient protection will be offered.

PRoW: The County Council requests specific reference to the PRoW network within this section.

Policy AB4: Protection of local significant views

PRoW: The County Council welcomes specific reference to PRoW viewpoints and the commitment to work in partnership with the County Council in respect of PRoW matters.

5. Housing

Policy AB6: Residential windfall development

PRoW: The County Council requests specific reference to the PRoW network within this policy in relation to safe walking routes.

6. Character, Design and Heritage

Heritage Conservation: An issue related to heritage that the draft Neighbourhood Plan does not at present consider, is the impact of the historic environment on health and wellbeing. The current and substantial pressures in health and social care demand a search for innovative solutions in order to continue meeting, or ideally minimising, the demands of a modern population over the coming years. There is presently an ongoing shift from an acute and hospital-centred, illness-based system to a person-centric, health-based system that will rely upon individual and community assets. As such, heritage can play an important role in the contribution of the arts to person-centred, place-based care through means such as arts-on-prescription activities, cultural venues and community programmes. The historic environment, archaeology and heritage form part of our experience of being human and can provide individual as well as collective opportunities to engage with arts and culture whilst having positive effects on our physical and mental health and wellbeing in the process.

Policy AB8: Promoting Local Character through High Quality Design

PRoW: In respect of part C iv, the site context should include the PRoW network with regards to the significance of views.

Heritage Conservation: The County Council welcomes this policy. Careful design will help the Neighbourhood Plan area to retain its character. In respect of part C iv, an additional requirement could be added to be aware of past historic landscape use, and in particular, the patterns of tracks and lanes. To fully appreciate Aldington and Bonnington's historic landscape character, it is first important to understand it. The main method for investigating historic landscape character is by historic landscape characterisation. This is a method of assessing the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape.

The Kent Historic Landscape Characterisation (2001) has identified the broad historic character of the landscape of Kent but more detailed refinement is needed to bring the baseline data for Ashford up to the standard of areas such as the High Weald and the Hoo Peninsula which have more detailed and relevant data. The County Council would welcome further engagement with the Parish Council on this.

Policy AB9: Energy Efficiency and Design

Heritage Conservation: The County Council welcomes this policy, especially part C, which relates to historic buildings. The text could also refer to the need to consult with the Historic England report There's no Place Like Old Homes: Re-use and Recycle to Reduce Carbon' (Historic England 2019). This could usefully be highlighted in the text as an encouragement to retain old buildings where possible.

Policy AB10: Renewable and community energy

PRoW: The County Council would recommend an amendment to strengthen the policy seeking to ensure "*opportunities are sought*".

Policy AB11: Conserving Heritage Assets

Heritage Conservation: In general terms, the County Council welcomes this policy which will make an important contribution to conserving and enhancing the Neighbourhood Plan area's historic character and assets.

Part A - the County Council questions why the list of non-designated heritage assets is limited to the eight examples given. The Neighbourhood Plan areas has a wealth of assets beyond just these. The government has explicitly confirmed that heritage assets include archaeological sites and so planning documents and plans that aim to comply with the National Planning Policy Framework (NPPF) must ensure that archaeological assets are properly considered[1].

[1] (https://historicengland.org.uk/listing/selection-criteria/scheduling-selection/ihas-archaeology/)

Commentary relating to paragraph 2.7 above illustrate the range of archaeological assets that could be considered.

Part C - any development proposal that has potential to impact on a heritage asset should be accompanied by a heritage statement. Where a proposal has potential to impact on archaeological remains, however, it is likely that a full archaeological desk-based assessment will be required, written by an appropriately qualified specialist. This should be highlighted in the text.

Paragraph 6.41

Heritage Conservation: The text should be corrected to refer to Historic England.

7. Transport and Movement

Policy AB12: Sustainable Travel

Highways and Transportation: The policy in part B quotes Figure 20 for improvements to cycle and pedestrian routes, but it is actually showing improvements to car parking at St Martin's Church – the County Council would ask that this is corrected.

PRoW: The County Council also recommends reference is made to NPPF paragraphs 104 and 124 to strengthen text and policy.

8. Vibrant Communities

Sports and Recreation: The reference to Sport England design guidance is welcomed.

Policy AB15: Camping and Caravans

PRoW: The County Council welcomes the inclusion of PRoW within policy.

10. Infrastructure Improvements and Provision

Paragraph 10.4

PRoW: The County Council welcomes the inclusion of the ROWIP and the intent for partnership working.

13. List of Evidence Documents

PRoW: The County Council welcomes inclusion of the ROWIP; the Village Green Registers for VG185 and VG230; and the viewpoints from the PRoW network.

Appendix C Design Guides and Codes for Aldington and Bonnington

PRoW: Overall, the County Council welcomes reference to the PRoW network and the ROWIP. However, the PRoW network must be referred to as such rather than the "Footpath network". This would give the specific distinction between footways or private footpaths and legally recorded Public Rights of Way.

Appendix E Potential Improvement to the Public Rights of Way

Highways and Transportation: With reference to the Goldwell Lane/Calleywell Lane circuit, it would not be appropriate to make these roads one way or have a 20mph speed limit due to the rural nature of these roads and the fact that any speed limit reductions have to meet the criteria in Setting Local Speed Limits (which a 20mph zone would not do). This proposal should therefore be removed from the project list as it will not be supported by the County Council, as Local Highway Authority.

PRoW: The County Council does welcome the Parish Council aims for partnership working to enable funding and delivery of PRoW improvement schemes.

Additional Commentary

Minerals and Waste: The Neighbourhood Plan area does not contain any safeguarded mineral or waste facility, and thus any development the Plan identifies would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020).

With regard to land-won minerals safeguarding matters, the Plan area has within it the following safeguarded mineral deposits - limestone deposit (Paludina Limestone), Sub-Alluvial River terrace Deposits and the Hythe Formation (Limestone-Kentish Ragstone). However, the Plan does not propose any additional development other than that identified in the adopted Ashford Local Plan. The County Council, as Minerals and Waste Planning Authority, therefore has no concerns for land-won mineral safeguarding in this instance.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,

[redacted]

Stephanie Holt-Castle
Director for Growth and Communities

Enc.

Appendix A: Heritage Conservation commentary regarding local area interest

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Appendix A

Heritage Conservation commentary regarding local area interest:

The Neighbourhood Plan (NP) area is one of considerable antiquity. It straddles the border between inland Kent and Romney Marsh and played a significant role in connecting the Marsh with the rest of the county. Important routes run through the area north-west to Ashford and west-east along the hills flanking the north of Romney Marsh. Commensurate with this position, the NP area has a long history. A collection of Mesolithic flints (c. 10,000 – 4,000 BC) including scrapers, blades and points is known from Knoll Farm. Prehistoric pits and a hearth were also found at HMP Aldington in 2000. Several examples of Bronze Age and Iron Age metalwork have been found and it is almost certain that other prehistoric sites live undiscovered in the area, perhaps including an early phase of Aldington Knoll barrow (see below).

There are far more numerous Roman discoveries in the NP area. Aldington lies close Portus Lemanis, the Roman fort and port at Lymnpe and was on the main route connecting the area with the iron producing areas of the Weald but also the Roman road connecting Portus Lemanis with north Kent. This explains the richness of Roman archaeological discoveries in the area. The Roman road itself may have been detected in excavation in 2005 during cabling works close to Cobb's Hall. The most important Roman site is perhaps the probable Roman burial barrow at Aldington Knoll. The site, which is a Scheduled Monument, consisted of an earthen barrow that contained at least one burial. A probable mixed inhumation/cremation Roman cemetery was found at Postling Green in 1914 and Roman flue tiles and bricks were found in April 1935 and 1936 during construction of a tennis court at New Haytors. A second Scheduled Monument, this time for a Roman villa, has also been designated south of Burch's Rough, Aldington. Fragments of brick, Romano-British in date, were found at Marwood Farm in the 1960s. In 2013 a resistivity survey was carried out which identified a large rectangular structure, and a subsequent excavation identified it as being a 2nd/3rd century villa. Finally, cropmarks of possible Roman walled cemetery have been seen from Forge Hill, Aldington. Taken together, these sites show the importance of the area in the Roman period and the considerable potential for further discoveries.

There are no distinct Anglo-Saxon sites in the NP area though Anglo-Saxon settlements are very difficult to find. Dozens of artefacts recovered by metal detectorists and others suggests there is potential for future discoveries. For more recent periods, there is of course much more information. The NP area contains almost 30 historic buildings dating to the medieval period including Grade I listed buildings at St Martin's and St Rumwold's churches. Other buildings include farms and barns, high status buildings and cottages. Archaeological sites include the former site of St Leonard's church, ruined since 1530. The most imposing monument from the post medieval period is the Royal Military Canal, constructed between 1804 and 1809, a scheduled monument and still a highly visible marker in the landscape. There are in addition very numerous surviving remains that attest to the development of Aldington and Bonnington in recent centuries. These sites and buildings evidence the agricultural, industrial, domestic and military history of the area and as part of people's local heritage play a key role in maintaining the historic character of NP area today.

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28 February 2024

Dear Sir / Madam,

Re: Public Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan

Thank you for consulting Kent County Council (the County Council) on the Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan. The County Council has reviewed the consultation documents and provides the following commentary:

PS_039 RAG Assessment - Access and Movement - Five Oak Green Bypass

PRoW: The County Council is supportive of the references to the need for engagement in respect of the PRoW network and welcomes continued collaboration.

PS 040 Tunbridge Wells Bus Feasibility Review – WSP dated 30 October 2023

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- It is important to recognise that the network in Kent remains de-regulated and as such, any proposals to make fundamental changes to existing services or introduce other services that have the potential to compete with existing buses could only be implemented in conjunction with current operators. Engagement with all operators, notably Arriva, is vital before the adoption of any bus strategy.

- A Consumer Price Index (CPI) figure of 2.5% has been used to forecast cost increases but industry inflation is currently far in excess of this. It is considered that

a more robust assessment would include for 10% in the early part of the forecast profile.

- It is recommended that the intensification of the Paddock Wood to Royal Tunbridge Wells service could be phased so that the frequency increases as the development is built out.

- It is recommenced that data from Arriva would be helpful to help inform and discount some options presented.

- It is noted that early engagement took place with Arriva and further engagement could take place once the options are shortlisted using the operators' data. Once the data is received, a separate section could be provided for operators.

PS 041 Paddock Wood Bus Service Options – WSP Technical Note dated 30 October 2023

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- Instead of routing the buses along Church Road/Queen Street/Mascalls Court Road, the County Council questions if the bus could be routed from the northern development site through the southern Persimmon development site where a 6.75m wide boulevard is proposed.

- Enhancements to bus stops on Station Road could be considered as an alternative to routing the bus through the station car park.

- The basic service routing and network pattern appears sound and it is the right approach subject to funding and understanding of how costs would align and be covered by proportionate contributions from applicants.

- Costs appear to relate to around £500 per vehicle per day which is considered to be light for what is proposed as an all-day operation.

- Mode share at 5% is the absolute maximum that could be expected given that there is no perception that the network would benefit from significant bus priority or other features that would support a higher assumption of usage.

- In terms of service coverage, when accounting for the commuter market, the County Council considers that a 0600 – 2000 service pattern might be appropriate.

- The benefits of Demand Responsive Transport (DRT) in this context are not fully understood and the County Council has doubts about being a more affordable alternative to the conventional bus particularly where DRT is proposed to operate in between timetabled services.

- If a reduced off peak service level is considered appropriate - the County Council considers that a better use for the second vehicle at these times maybe for an alternative bus service for the outlying areas, possibly absorbing existing subsidised services and off-setting cost.

PS 046 Paddock-Wood Strategic Sites Master Planning and Infrastructure Study – Paddock Wood Growth Follow-on Study - David Lock Associates October 2023

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- Table 8 'Infrastructure' lists new infrastructure and whether it is required in either the short term or medium term. The evidence to support this is required by the County Council.

- Table 8 includes for traffic signals on the B2160 Maidstone Road to allow one-way shuttle working over the railway bridge. This proposal has not been modelled in detail and is the only north/south link for local traffic in Paddock Wood Town Centre. Without supporting evidence this proposal is not supported by the County Council, as Local Highway Authority.

- The sustainable transport proposals listed on page 31 of the Master Planning Addendum includes 'Pedestrian and cycle improvements – Stantec assumed upgrades and PJA presentation' - clarification is required by the County Council of the detail of what is proposed.

- It is noted that 3m shared cycleway/footways are proposed, however, LTN1/20 compliant segregated facilities are required.

- The County Council recommends that the proposed pedestrian/cycle bridge across the railway line should also accommodate buses.

PRoW: The County Council requests consideration of the PRoW network and positive engagement with the County Council in respect of PRoW.

Development Investment: In respect of part 3.5, the County Council welcomes the third bullet point on the safeguarding of a site in NW (North West) Paddock Wood for future 6FE secondary need.

Clarification is requested in respect of part 3.19 as to whether the proposed 7.6 ha site is to accommodate 6th form.

In respect of part 3.9, the County Council's interest is in the land being provided in good condition; a level site free of encumbrances and in line with all aspects of its latest General Land Transfer Terms. Whichever location is decided upon, it must ensure access to good transport links to promote sustainability.

The County Council welcomes the narrative that proposes Option 2 (part 3.10) (the NW of Paddock Wood) - which is the more travel sustainable site as long as infrastructure required for genuine active travel is appropriately Implemented. There is an opportunity here to deliver high quality infrastructure to meet sustainability targets.

Part 3.13 refers to the school site layout and seems to allude to buildings proposed on one side of a watercourse and playing fields on the other, possibly suggesting a split school site. A split school site is rarely usually supported by either an academy trust or the County Council, and it is suggested that the Borough Council should avoid a scenario where access between buildings and playing fields is part of the split. Split school sites traditionally reduce the level of interest from academy trusts to operate them, and create greater levels of both short and long term costs for a school operator relating to staffing, maintenance and security.

Part 4.6, the Infrastructure Schedule Table 8 references Education - 4FE Contribution towards new secondary school (on-site) – however, it does not appear to be consistent with 2.21 (Page 7) where the County Council evidence from revised capacity and updated forecasts confirms a need for 3 FE.

The County Council also notes there is no mention of waste infrastructure requirements. There is an ongoing need to seek contributions to fund a Waste Transfer Station and Household Waste Recycling Centre Facilities upgrades and renewals, principally and currently at the North Farm Depot.

Similarly, the County Council notes that there is no reference within this table to require ongoing funding support through s106 planning obligations for libraries, community learning and skills (adult education) and integrated children's services. The County Council would ask that this addressed. Furthermore, the mention of Primary Care contribution on page 33 of the table is vague and the County Council would ask that this is clarified.

PS 046a Figure 5 Structure Plan for Paddock Wood – Drawing TWBC04 – 008 rev C titled Framework Plan - David Lock Associates 26 March 2023

Highways and Transportation: The Structure Plan drawing numbered TWBC04-008 Rev C illustrates the access and movement proposals for Paddock Wood. The County Council requests that that following points are addressed:

- The number of new homes in each development area should be annotated so that the access proposals can be checked against the requirements of the Kent Design Guide. The diagram indicates each of the strategic sites is served by a single access suitable for all vehicles, however, the Kent Design Guide requires two separate accesses to serve sites of over 300 dwellings.

- It would also be helpful if the access and movement linkages outside of the proposed development areas are shown to demonstrate how the proposed roads, bus routes, cycleways and footways link with existing infrastructure and where improvements may be needed.

- Areas where existing infrastructure improvements are needed and where new infrastructure is to be provided should also be shown.

PS 46c Infrastructure Provision for Paddock Wood – Drawing TWBC04-011 rev C titled Infrastructure Plan – David Lock Associates dated 26.10.2023.

Highways and Transportation: The Infrastructure Plan numbered TWBC04-011 Rev C provides a high-level diagram of the proposed links for active travel and buses to/from the new developments plus locations where off-site highway works are proposed. The County Council requests the following additional information and considerations:

- It would be helpful if the links outside of the proposed development areas are shown to ensure it is clear how the proposed bus routes, cycleways and footways link with existing infrastructure and where improvements may be needed.

- It is noted that a pedestrian/cycle route is proposed from the northwest segment and crosses the A228. An 'at grade' crossing at this location, which is subject to the national speed limit, is likely to lead to highway safety issues and further information is required to evidence how a safe and suitable crossing can be delivered.

- The proposed new pedestrian/cycle bridge across the railway line should also accommodate buses.

- The Infrastructure Plan includes traffic signals on the B2160 Maidstone Road to allow one-way shuttle working over the railway bridge. This proposal has not been modelled in detail and is the only north/south link for local traffic in Paddock Wood Town Centre. Without supporting evidence this proposal is not supported by the County Council, as Local Highway Authority.

- Footway and cycle links are required between the southeastern development parcel and the land safeguarded for an extension to Mascalls School.

PS_047_TW-Stage-1-Technical-Note-Review-of-Strategic-Model-Methodology-and-Set-Up-for-Local-Plan.pdf (tunbridgewells.gov.uk) Sweco dated 17.8.23.

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- The methodology and background assumptions to the 2018 base model remain sound and are considered suitable for use in the updated modelling work.

- Review of more traffic data shows there is a reasonable correlation with data used in the original model.

- The continued use of the National Trip End Model (NTEM) Version 7.2 to provide background growth is accepted as providing a robust assessment due to the higher population and household numbers and resulting demand for travel compared to NTEM version 8, in addition to providing a sensitivity test using version 8.

- The table of committed highway schemes at Table 3 (5.1) is agreed as in line with current approvals.

- A review of modelled flows at A21 Kipping's Cross compared to observed flows confirms the model validates well at this location.

- The residential trip rates set out in Table 13 are agreed as acceptable for generic Local Plan assessment purposes.

PS 048 Stage 2 Reporting – Sweco 18.8.23

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- A sensitivity test comparing NTEM Version 7.2 and 8 concludes that the total trips and location of 'hotspot' junction arms are very similar, and this testing should be reviewed.

- Hotspot junctions are defined as junction arms with over 95% volume to capacity. The County Council considers 95% a high bar for junction capacity. Industry standards are that junctions reach capacity and become unstable at 85% and 90% for signals. An explanation is requested as to the rationale for this higher threshold before mitigation is considered.

- Of those hotspot junctions 'Minor LP Hotspots', there are those where at least 50 additional vehicles pass through as a result of the Local Plan. Clarity is requested as to over what time period this is within. It is considered that the assessment should also include additional queues and delays arising from the Local Plan.

- The potential mitigations shown do not appear to include the A228 dumbbell roundabout junctions with the A21 which are a significant congestion hotspot which need mitigating to provide an attractive route to the A21 for journeys from the Paddock Wood development sites. This must be reviewed.

- This stage 2 reporting should include an assessment of crash data to understand potential highway safety issues which may be increased with additional Local Plan trips. This must be addressed.

PS 049 Stage 3 Modal Shift Impact Reporting – Sweco 22.9.23

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- Comments made within this response on PS 048 Stage 2 Reporting and PS 053 TWBC Sustainable Transport Note should also be considered in respect of this document.

- A comparable highway safety analysis is required using the current crash data and considering where increases in flow may lead to increased risk.

- The note defines both high and low mode shift scenarios. To give confidence that these mode shift scenarios can be achieved, mitigations should be based on experience of good practice. They will need to be deliverable including within highway land or with the agreement of third parties if needed, with sufficient funding and subject to consultation should the County Council be required to deliver them.

- A Monitor and Manage approach should be followed whereby the type, location and extent of schemes can be flexed over time subject to progress with targets.

PS 050 RAG Assessment - Access and Movement - Colts Hill Bypass

PRoW: The County Council requests that engagement in respect of PRoW is forthcoming given the impact of the proposal on the network and the surrounding area, including Public Footpath WT198 which is directly impacted and potentially severed.

PS 053 Provisions for sustainable and active travel, especially for major development sites, and the implications for transport modelling - TWBC November 2023

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- It should be noted that contrary to paragraph 3.3, the reference case does not include for Local Plan development trips and therefore there is no reduction in trip rates for sustainable travel in this scenario, either in the previous TAA2 or the revised reference case.

- With reference to Appendix 1 Draft revisions to the Infrastructure Delivery Plan (IDP) in respect of sustainable transport measures, the County Council questions how the contribution amounts been calculated, and whether they include inflation and increased construction costs which have risen since the previous IDP was compiled.

- A26 cycleway funding includes for Department for Transport funding which is not available. This must be corrected.

- A scheme is included allowing £500,000 for bus priority measures along the A264 Pembury Road from Woodgate Corner to Oakley School towards Royal Tunbridge Wells (RTW). The scheme description requires amendment in order to allow more flexibility. The County Council would suggest 'bus journey time improvements along the A264 Pembury Road between Woodgate Corner and RTW centre.'

- A scheme is included for a bus only route along Calverley Park Gardens, except for cycles and pedestrians. It is requested that the description is amended to allow more flexibility given that any such scheme will require consultation. The County Council would suggest 'measures to improve bus journey times along Calverley Park Gardens'.

PS 054 Local Plan Development Strategy Topic Paper – Addendum – TWBC January 2024

Highways and Transportation: The County Council, as Local Highway Authority, raises the following request for inclusion within the Masterplanning requirements:

- Links to schools should be included within the following policy requirement: 'Provide walking and cycling linkages within the site connecting to adjacent development parcels, … **schools** and surrounding countryside in accordance with policy TP 2'.

Education: The removal of the proposed garden village has reduced the forecast demand for additional secondary school places. It also means that the proposed site for a new secondary school within the garden community is no longer available. The revised proposals outline two approaches to securing sufficient provision for the remaining developments; the establishment of a new school or the expansion of the existing Mascalls Academy. The necessary principle of ensuring sufficient provision and contributing to socially sustainable development is achieved through both options, however, there are considerations under both options.

The proposed sites for a new secondary school may have some development challenges and whilst these are likely to be overcome, they may place abnormal design considerations onto the delivery of a school, such as mitigating flood risk. Therefore, should this option proceed, it is important that the Local Plan fully secures the additional cost associated with mitigating the design and planning challenges. The land for a new school must be transferred to the County Council at nil net cost and inline with the County Council's standard transfer terms.

The expansion of the existing Mascalls Academy by 3FE would make it one of the largest secondary schools in the county. This will bring additional challenges; operationally, physically and educationally. It will be important that any proposed expansion of this scale is appropriately designed with detailed consideration of highways and access. The Trust who

operates the school needs to be confident that a strategy for operating such a large school is feasible. It will be essential for the County Council to be involved in this.

Parts 4.45-4.49 consider a strategy of providing additional secondary capacity in existing schools outside of the Borough, particular in Tonbridge and Malling. The commentary concludes that this is unlikely to be favourable or achievable and that either the expansion of Mascalls or the establishment of a new school will be required. The County Council concurs with this conclusion.

PS 058 Tunbridge Wells Bus Feasibility Technical Note WSP July 2022

Highways and Transportation: The County Council draws attention to commentary made in respect of PS_40 and PS_41 relating to bus studies.

PS 059 Tunbridge Wells Local Plan Stage 3 Part 2 Outcomes – Local Capacity Sensitivity Testing Technical Note – Sweco 28.11.23

The County Council provided comments to TWBC on 14 December 2023 (Appendix A) which remain relevant to this consultation.

PS 060 Paddock Wood and east Capel Access and Movement Report – Stantec November 2023

Highways and Transportation: The County Council, as Local Highway Authority, raises the following commentary:

- Appendix B includes Drawing Number 332410964 rev PO1 titled Colts Hill Bypass Alternative Highway Connections. The County Council, as Local Highway Authority, requires a RSA1 with capacity assessments, geometry details, any departures from standards and technical review to add confidence to the feasibility and deliverability of the scheme.

PRoW: The County Council draws attention to the need for an off road route for walking and cycling to be prioritised to connect the two sites.

PS_061a Addendum to Local Plan Viability Assessment Main Report

Development Investment: The County Council notes within paragraph 2.1.18 that Dixon Searle Partnership (DSP) references a benchmark land value for Local Plan land as £250k/Ha. This would appear to be an agricultural land value. This is acceptable as long as the County Council is provided land for educational expansion requirements at nil cost. The County Council would also request consideration of ensuring that neighbouring landowners / developers are equalising on land so that the County Council is provided land appropriately and efficiently.

PS 61b Appendix I – Development Appraisal Assumptions Overview – Tables 1 and 1a - Addendum to Local Plan Viability Assessment Appendix 1: Paddock Wood & East Capel Assumptions - DixonSearle Partnership - December 2023

Highways and Transportation: The County Council, as Local Highway Authority, notes that the infrastructure listed in Table 1A does not include improvements to the junctions of the A21/B2160 at Kippings Cross, A21/A228 and A21/A264 dumbbell roundabouts or A26/B2017 Woodgate Way Roundabout. Clarity is requested as to whether the Compulsory Purchase Order costs are included.

PS_063 Summary of Proposed Modifications to the Development Strategy, following Inspector's Initial Findings in November 2022

SLP Mod 9 - STR/SS 1: The Strategy for Paddock Wood, including land at east Capel

Development Investment: The County Council welcomes the reference to community and educational facilities within part b.

The County Council also welcomes the reference to development proposals being required to be supported by planning obligations to enable infrastructure such as highways mitigation works, education facilities and other necessary infrastructure within paragraph e.

Education: In respect of paragraph h, the County Council reiterates that its preference, aside from the eventual findings of the feasibility study, is for the development of a 4 FE secondary school to accommodate the 3FE uplift in school places, but with opportunity to expand from 4FE to 6 FE.

Public Rights of Way (PRoW): The County Council that the reference to "existing bridleway network" is replaced with '**existing Public Rights of Way Network'** which therefore encompasses all PROW not just Bridleways.

Furthermore, with reference to strategic infrastructure, reference should be made to the PRoW network when considering part d, regarding transport and highways.

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, accepts the modifications, including SLP Mod 9. This support is provided given policies EN24, EN25 and EN26 provide additional protection and security with regards to the design of SUDS drainage systems and the requirement for betterment in relation to where development is proposed in areas with known existing flood issues.

Policy SS/STR 1(A) – North Western Parcel Requirements

Education: The County Council is supportive of the following statements:

"iv. A two-form entry primary school, safeguarded to enable expansion to three form entry";

"vii. Safeguarding of land for 4FE secondary school that has land available to expand to 6FE should it be required";

Policy SS/STR 1(D) – North Eastern Parcel Requirements

Education: The County Council is supportive of the following statement:

"iii. Land for a two-form entry primary school"

SLP Mod 12 (Page 82) - Policy AL/HA 5: Land to the north of Birchfield Grove

Development Investment: The County Council welcomes the following inclusion: "*Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/HA 1*."

The County Council would welcome continued engagement as the Local Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,

Simon Jones
Corporate Director – Growth, Environment and Transport

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Appendix A: PS 059 Tunbridge Wells Local Plan Stage 3 Part 2 Outcomes – Local Capacity Sensitivity Testing Technical Note – Sweco 28.11.23 – commentary provided by the Local Highway Authority on 14 December 2023.

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Appendix A: PS 059 Tunbridge Wells Local Plan Stage 3 Part 2 Outcomes – Local Capacity Sensitivity Testing Technical Note – Sweco 28.11.23 – commentary provided by the Local Highway Authority on 14 December 2023.

Introduction

The document summarises modelling results and potential mitigation schemes arising from a Local Plan High Modal Shift (LPMS) scenario. It would be useful to include in this Technical Note the modal shift assumptions that have been included in the modelling for avoidance of doubt. Please confirm it is as shown below:

> The following table summarises the anticipated modal shift from car use as a result of the combined impacts from the measures set out in this Note, which are expected to result in appreciably higher modal shares for cycle and bus use:

Locality	Area-wide measures	Local measures – base	Local measures – potential	**Combined shift**
Paddock Wood	-5%	-10%	-15%	**-15-20%**
Royal Tunbridge Wells	-5%	-5%		**-10%**
Pembury	-5%			**-5%**

> [NB The reductions from "local measures" are to be applied only to the traffic generated from Local Plan allocations, while the reductions from "area measures" are seen as applying to all local trips.]

Clarification is needed of the infrastructure/measures/services included in the LPMS scenario and the funding source. This could be listed in the Appendices. Reference is made to council investment in public transport services and active travel infrastructure. It would be helpful to outline what investments are expected to be funded by KCC H&T and TWBC.

The LPMS scenario assumes high modal shift which is the best case scenario. Whilst one would not argue with this vision for the Local Plan transport strategy, it will require a 'Monitor and Manage' framework and this is not discussed in the Technical Note.

A monitor and manage strategy is essential for the success of the Local Plan transport strategy and will provide evidence that the sustainable transport interventions are achieving the modal shift as modelled in this TN. Additional scenario testing is required of the reasonable worst case scenario to identify network hotspots and the mitigation needed if high modal shift is not achieved. This mitigation should be included in the Infrastructure Delivery Plan but brought forward only if the monitoring strategy identifies that the high modal shift has not been achieved.

The scope of this TN is restricted to seven key junctions. There are other junctions identified as hotspots in the Local Plan Stage 2 report which have not been included. Further evidence and explanation that other areas of the network are not significantly impacted by the Local Plan development strategy is needed.

Junctions and links where there are existing safety concerns and which are predicted to experience an increase in traffic flows following Local Plan development should be included in this TN and assessments completed.

Mitigation Design and Costs

Costs exclude statutory undertakers' apparatus and detailed design. The TN states that these are to be addressed at planning application stage. What contingences are included in the costs to allow for these? Costs which are not included in the IDP will result in either risk to the highway authority or impact viability.

Strategic Model Scenarios

The **Local Plan Modal Shift (LPMS**) scenario includes future council investments. Please provide detail in the Appendices of the sustainable transport mitigation which is included in this scenario and the funding source.

The **Local Plan Highways (LPH)** scenario includes the final list of the potential highway mitigation measures identified for the local plan in terms of addressing network changes. Additional network mitigations may be required if the monitor and manage strategy shows that the high modal shift has not been successful. This is why an additional scenario is needed to show the highway mitigation needed if high modal shift is not achieved. The monitor and manage strategy may evidence that these additional mitigations may not be needed but it is important that the cost of the schemes are included in the IDP and viability assessment.

Reference is made to work undertaken between TWBC and KCC to ensure measures to increase modal shift will happen through the wider LCWIP and BSIP processes. Whilst developers and successful bids could help deliver the LCWiP there is no BSIP funding for measures in the Tunbridge Wells district. Please provide details of how this will impact the IDP and modal shift?

Model Years and Mitigation Implementation Year

The TN provides an overview of the 2038 modelling results comparing the 2038 Reference Case (RC) scenario with the LPMS (high modal shift) scenario for the same year, however additional scenarios are needed not only for a 2038 reasonable worst case but also early to mid plan period, to evidence when the mitigation is needed to be delivered.

Review of Key Strategic Model Outputs

The TN provides a 'high-level summary of the junction flows at the key junction locations identified in Section 1.' Additional junctions should be included where hotspots are identified in the scenarios presented but also in an additional Local Plan reasonable worst case scenario in order that mitigations can be developed if the monitor and manage strategy finds that there has not been a high modal shift.

Link Capacity Review

A228

Page 7 states that the trigger for the Colts Hill Bypass and expanded Badsell Road roundabout is at 2000 homes – can evidence be provided of this and has this been estimated using the Saturn model?

The **B2017 Five Oak Green** link capacity is shown to be at full capacity in the LPMS scenario with a v/c value of 100 in the AM peak compared to a v/c value of 68 in the RC. Clearly the local plan development strategy has a significant impact even with the high model shift. This is a cause for concern because capacity issues along the B2017 will impact bus journey times and impact the modal shift. Capacity improvement schemes for the B2017 should be brought forward and included in the design for the Colts Hill Bypass and the Badsell Roundabout improvement scheme.

Overview of the Junction Modelling Undertaken

Modelling of the roundabouts in the TN makes use of Junctions 9 however Junctions 10 is the latest software to model junction capacity including roundabouts.

Junction 8 A26 Woodgate Way/B2017 Tudeley Road/Tudeley Lane

Figures 4-1 and 4-3 Arcady Results are labelled wrongly, Five Oak Green Road should be Tudeley Lane.

The mitigation of the junctions refers to a widening of the westbound lane (north side) Please check if this is supposed to be eastbound.

Opportunities to enhance pedestrian and cycling provision could be included in the design.

Table 4-1 indicates that during the AM peak the B2017 Tudeley Road is over capacity in the RC and becomes significantly worse in the LPMS scenario with additional delays of 118s, additional queuing of 48 pcu's and congestion. Mitigation is proposed in the form of additional lane capacity on the B2017 Tudeley Road. The Arcady results in Table 4-3 indicate that the proposed mitigation would relieve the queues and delays and the junction would operate within desirable capacity in the 2038 LPMS scenario.

The estimated year of implementation is 2031, can evidence be provided to support this?

The high level cost is £500,000 what contingencies are included?

Junction 12 A228 Branbridges Road/B2160 Maidstone Road/A228 Whetsted Road (Hop Farm Roundabout)

Results from the Saturn modelling shown on Table 6 indicate that mitigation is needed. The Arcady assessment in Figure 5-1 indicates the junction to be over capacity in the 2038 RC and this is worsened in the LPMS. Proposed mitigation involves the extension to flare

lengths on two approaches, however the A228 (N) Branbridges Road remains over capacity with a LOS of E. Further measures should be considered to improve this.

The improvements are required by 2031 and evidence is needed to support this.

Junction 13 A228 Maidstone Road/Badsell Road

Table 7 shows that the junction is over capacity in the 2038 RC and this becomes significantly worse in the LPMS scenario. Stantec have produced designs to improve the junction and allow links to the Colts Hill bypass.

The modelling indicates that the mitigation delivers improvements when compared to the RC but there are still delays. Stantec are refining the design and it is important that any scheme delivered operates within desirable capacity given the costs and scale of disruption to motorists during the construction of the scheme. Once the outline design is finalised details of the costs, the proposed roundabout geometry, tracking diagrams, deflection, safety audit and Arcady outputs will be required.

Junctions 21 and 22 A21/A228/Tesco (Dumbbell Roundabouts)
Summary of Modelling Results and Reason for Mitigation

Table 9 indicates that the strategic model finds the junctions to operate within capacity in both the peak periods in the 2018 Base Case (BC). In the RC the model indicates capacity issues only on the A21 slips and Tesco access. This is not evident on the ground. Both junctions currently suffer from capacity issues in both peak periods and this can be seen from the Google extracts below:

AM Peak

PM Peak

The validation of the 2018 base case is therefore questioned with regard to these junctions.

Table 9 Strategic Highway Modelling outputs

The additional queues and delay identified on Table 9 in the LPMS scenario for both the AM and PM peaks are considered to be significant. In particular the increase to queues and delays on the A264 (SW) approach to the southwestern dumbbell in the AM peak where an average queue length of 26 pcu's and 66 second delay is predicted in the LPMS scenario compared to a queue length of 1 and 21s delay in the RC. Also significant is the A21 south bound slip (N) which is expected to see a 17 vehicle queue and 143 second delay. The impact from the access from Tesco is particularly severe as a 54 vehicle queue and 943 second delay is predicted in the LPMS scenario.

Figure 7-1 Arcady Results:A21/A228 South West Dumbbell

An Arcady assessment of the A21/A228 south dumbbell roundabout supports the requirement for mitigation with additional queue lengths and delays along the A228 and A264 in the AM peak and significant additional queue and delay on the A264 during the PM peak in the LPMS. It can be seen that the Local Plan development strategy even with the high model shift scenario severely worsens capacity queues and delays at this junction.

Mitigation solutions should be tabled for both the dumbbell roundabouts to improve capacity.

Clarification is needed as to what if any infrastructure has been included in the modelling as previously Sweco proposed a bus lane between the dumbbell roundabouts.

Junction 35 Kippings Cross Roundabout A21/B2160

The strategic model indicates there are capacity issues on the A21 (E) and B2160 during the AM peak in the 2038 RC which becomes significantly worse in the LPMS scenario. This is backed up by the Arcady assessment which identifies congestion on the same arms during the same peaks as the strategic model.

The impact of queuing back and blocking from the Blue Boys roundabout is not assessed in this TN. This is an important factor as queuing back from the Blue Boys roundabout occurs in the peak hours and this impacts significantly on the Kippings Cross junction. It is recommended that this is included in the modelling for Kippings Cross.

Option Development

A number of options to mitigate the local plan development strategy at Kippings Cross have been explored and two options put forward for further design and modelling. KCC H&T recommend that alternative options are explored which take less land. Capacity assessments should take into account the impact of the congestion from the Blue Boys roundabout. Both schemes, which are labelled KX10 and KX11, seem to be problematic with high risk to delivery and little detail is provided to inform results.

KX10 Left turn slip lane

This option provides a left turn slip lane between A21 west and the B2160. Such significant changes require a safety audit, technical review and capacity assessment. The proposal requires third party land and therefore CPO would most likely be required. A listed building may also be impacted. The design includes a give way on the B2160 to allow priority from the slip road from the A21 west. The safety of this arrangement is a concern and potential for queuing back onto the roundabout. The capacity issue at this junction affects mainly the A21 westbound which will see little benefit from this option.

The modelling results show that the A21 east and Dundale Road remain over capacity with the delivery of the scheme. The LOS for the A21 east remains at F and Dundale Road is also F during the AM peak, although there is some improvement to B2160 and to the junction overall in the PM peak. At an estimated high level cost of £500,000 plus land

acquisition, utility diversions and extensive disruption and delays to existing traffic during construction it is considered that a scheme which delivers better performance is needed.

Figure 8-5 – KX10 ARCADY Analysis Results

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
	Local Plan Modal Shift (LPMS) 2038							
1 - B2160	4.3	17.48	0.8	C	1.2	8.96	0.52	A
2 - A21 east	38.5	77.18	1.01	F	2	6.82	0.64	A
3 - Dunkirk Road	0.8	168.77	0.47	F	0.3	9.54	0.19	A
4 - A21 west	1.9	4.52	0.58	A	3.2	7.48	0.75	A

KX11Modified roundabout

This scheme proposes significant alterations to the roundabout and full signalisation. The scheme is not deliverable within the existing highway boundary and so CPO is required. A layout showing the traffic signal arrangements is needed for review by KCC Traffic Signals team.

The junction mitigation option is assessed in isolation of upstream capacity issues on the A21 east of the Kippings Cross junction. As the upstream capacity issues and queuing have a major impact on this junction it is considered that the assessment should take the upstream capacity issues into account.

The Linsig assessment of the junction is shown in Table 8.2. The proposed signalised roundabout scheme would be over desirable capacity in 2038 in both peak hours in both the reference case and in the LPMS scenarios. The full Linsig results should be provided showing the reserve capacity at the junction.

Conclusion

Additional information is needed as outlined in detail above in order to demonstrate that the revised local plan development strategy can be safely accommodated on the highway network without severe impact. A monitor and manage framework is needed, to be agreed with KCC H&T, to support the vision for high modal shift and to validate the success of the proposed sustainable transport interventions. Further modelling is needed to demonstrate the impact of the local plan development strategy in a reasonable worst case scenario and to identify if additional mitigations are needed if the high modal shift is not achieved. Evidence is also needed to demonstrate when the mitigations are required.

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Growth, Environment & Transport

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14 February 2024

Louise St John Howe
Programme Officer [Maidstone Borough Council Local Plan Review]
PO Services
PO Box 10965,
Sudbury,
Suffolk CO10 3BF

BY EMAIL ONLY

Dear Louise

Re: Inspector's Consultation on Technical Documents 2024

Thank you for consulting Kent County Council (the County Council) on the Maidstone Borough Council Technical Documents in respect of the Local Plan Review which include:

- An update to the Infrastructure Delivery Plan (ED126)
- An Addendum to the Integrated Transport Strategy (ED127)
- An Addendum to the Viability Assessment for the Local Plan (ED128).
- Additional Transport Assessment – M2 Junction 3 (ED135)

The County Council provides commentary only on the documents referenced above, under this current consultation and no other material prepared by the Borough Council.

The County Council has provided commentary in respect of its role as Local Highway Authority, Local Education Authority, Minerals and Waste Planning Authority and Lead Local Flood Authority.

For the reasons set out in greater detail below, the County Council, as Local Highway Authority, regards the inclusion of the A229 Blue Bell Hill Improvement Scheme within the Borough Council's Infrastructure Delivery Plan (ED126) to be essential. The County Council does not regard the proposals for M2 J3, as presented in the Transport Assessment (ED135), to provide a suitable means of mitigating the impacts of the Local Plan Review. The Local Plan Review must ensure that the impacts of planned growth in Maidstone Borough are mitigated through a requirement to provide funding towards the completion of the Outline Business Case (OBC) that is necessary to facilitate delivery of the A229 Blue Bell Hill

Improvement Scheme. This approach offers the best prospect of achieving transport infrastructure that will meet the wider needs of Kent.

The County Council, as Local Education Authority, holds a statutory responsibility to ensure there are sufficient school places for residents of Kent. As part of discharging that responsibility, the County Council seeks to work positively and proactively with all Local Planning Authorities within Kent to ensure that Local Plans incorporate sufficient additional education provision where necessary. The County Council has made representations and raised concerns regarding the proposals throughout the process from the first Regulation 18 Consultation onwards. The Local Education Authority considers that the proposed Local Plan Review, (subject to the proposed modifications), and in consideration of the latest Technical Documents currently subject to consultation, the Local Plan Review still does not secure the provision of necessary additional secondary school places and the concerns of the County Council remain unresolved.

The County Council would continue to welcome further but timely engagement and will continue to work with the Borough Council to help deliver a sound Local Plan and ensure that the communities across Maidstone will be served by the appropriate infrastructure and services.

Please find our detailed comments on each document below.

An update to the Infrastructure Delivery Plan (ED126)

Highways and Transportation:

The County Council, as Local Highway Authority, refers to commentary in relation to ED135 within the response to the Main Modifications consultation, submitted on 13 November 2023 in respect of the Infrastructure Delivery Plan (Appendix A)

Policy LPRSP13 – Infrastructure Delivery (Paragraph 1.23)

Public Rights of Way (PRoW):

The County Council is disappointed that there continues to be limited reference to sustainable transport opportunities, including walking and cycling. The County Council notes that HLTLPR11 makes reference to *"Contribution towards the improvement of offsite Public Rights of Way"* in respect of Heathlands Garden Settlement. The County Council is concerned that the same commitment in respect of Lidsing Garden Community appears to have been omitted and this should be rectified to ensure the delivery of improvements to the wider PRoW network.

Development Investment:

The County Council is concerned that Education remains at position 4 in the list of prioritised infrastructure, drawing attention to prior commentary raised, for example, as part of the County Council Regulation 19 consultation response dated 10 December 2021. The County Council considers that Education infrastructure should have considerable priority given its vital

importance to sustain communities and need for it to be appropriately funded to support its suitable provision. The prioritisation should be amended accordingly.

Developer Contributions- Infrastructure Funding (Paragraphs 1.38 and 1.45)

Development Investment*:*

The County Council has been engaged with the Borough Council since October 2023 on the matter of the Community Infrastructure Levy (CIL). There is growing realisation and evidence that education infrastructure will never be appropriately funded by CIL receipts. A recent report prepared by County Council officers and presented at the County Council Growth, Economic Development and Communities Cabinet Committee (Appendix B) demonstrates the gap between what is collected and what is required to deliver the infrastructure required to support sustainable growth, especially with regards to education infrastructure where the County Council has not been able to secure any contributions towards education following bids to the Community infrastructure Levy. Paragraphs 2.17 to 2.20 of the Appendix relate specifically to Maidstone's CIL, and shows that the County Council has only been successful in one of its bids. In addition to this, the 2022 Infrastructure Funding Statement (IFS) statement shows a retained CIL pot of £3,173,699 with nothing secured for education following bids to this fund. Paragraph 3.2 of Appendix B advised that a typical cost for a 2FE school is £10 million so together this illustrates the disparity. Education contributions outside of the Community Infrastructure Levy regime are therefore currently being explored by Borough and County Officers, to ensure that this essential infrastructure has the appropriate funding.

The County Council recommends that the wording of paragraph 1.38 is strengthened accordingly "*Developer contributions towards* **education** *infrastructure provision in Maidstone borough are primarily secured via Section 106 agreements (Planning Obligations) attached to planning permissions"*

Section B – Infrastructure Position Statement – Primary

Development Investment:

The County Council, as Local Education Authority, requests that the first bullet within the 'Main sources of information' section is updated to reflect the new Commissioning Plan - **Commissioning Plan for Education in Kent 2024-2028.** The new Commissioning Plan is provided in Appendix C.

The second bullet should be updated also to reflect the latest Commissioning Plan:

"New guidance ~~is expected to be published by DfE in Autumn 2021 estimating~~ ***was published by DfE in August 2023 that estimates*** *pupil yield from new housing development along with data at Local Authority level. Additionally guidance documents for Local Authorities on securing developer contributions for education and also on education provision in garden communities ~~will be updated in 2021by DfE.~~* ***was updated in August 2023 by DfE"***

In relation to the 'Future requirements' section of the table, the County Council recommends the following amendments in light of the publication of the latest Commissioning Plan:

"The birth rate in Maidstone dropped **sharply in 2019 and 2020,** *in line with the County and National trend. ~~to 6.6 points lower than the previous year. The number of recorded births in the Borough also fell, with 56 births fewer than 2018. However this increased in 2021. KCC forecast sufficient primary school places across the Borough throughout the Plan period to 2031. However, there is pressure for places forecast within Maidstone Rural South East, Maidstone West, Lenham and Harrietsham, Marden and Staplehurst and Coxheath Planning Groups.. This town centre pressure will be mitigated via places available in the Maidstone North planning group with the September 2020 opening of the new 2FE Bearsted Primary Academy Free School.~~* **However, the birth rates and the number of births increased significantly in 2021 before dropping back marginally in 2022. The County Council forecasts sufficient primary school places across the Borough throughout the Kent Education Commissioning Plan period. However, there is pressure for places forecast within Coxheath, Marden & Staplehurst and Maidstone Rural South East Planning Groups.**

There continues to be anticipated additional pressure from permitted developments across the town centre area of Maidstone[1]. There are numerous projects scheduled and on-going to convert retail and office spaces into new residential dwellings under permitted development. This will potentially increase the demand for primary places across the Maidstone town centre area in excess of that indicated in the forecasts and has placed in-year pressure on schools as school-aged children move to the town"

With regards to the 'Funding sources' section, the County Council would recommend removal of the following as it does not appear to be relevant in this section:

~~"For places needed by September 2022 Kent has received £23.6m. To put this into context, this would barely fund one 6FE secondary school".~~

Section B – Infrastructure Position Statement – Secondary

Development Investment: The County Council, as Local Education Authority, requests that the first bullet within the 'Main sources of information' section is updated to reflect the new Commissioning Plan - **Commissioning Plan for Education in Kent 2024-2028.**

The second bullet should be updated also to reflect latest guidance:

"New guidance ~~is expected to be published by DfE in Autumn 2021 estimating~~ **was published by DfE in August 2023 that estimates** *pupil yield from new housing development along with data at Local Authority level. Additionally guidance documents for Local Authorities on securing developer contributions for education and also on education provision in garden communities ~~will be updated in 2021 by DfE.~~* **was updated in August 2023 by DfE"**

[1] *"At 1st April 2020, a total of 1,344 dwellings had been consented through prior notification within the town centre since the PD rights came into effect in 2013" (LPR 1.1)*

The County Council would also recommend the following amendments to the 'Existing provision' section. These have been calculated from the schools in the relevant non-selective planning group from a typical education assessment document:

"Non-selective

There are eight schools in the Maidstone non-selective planning group …… Their combined capacity (Year 7 to 11) in ~~2019/20 was 6,990 places~~ **2022/23 was 7,440 places.**"

Selective

There are four schools in the Maidstone selective planning group …… Their combined capacity (Year 7 to 11) in ~~2019/20 was 3,785 places.~~ **2022/23 was 3,925 places.**"

With regards to the 'Future requirements' section, the County Council would recommend the following amendments following the publication of the revised Commissioning Plan for Education Provision, which is considering provision between 2024-2028:

"The birth rate in Maidstone dropped ~~significantly in 2019~~ **sharply in 2019 and 2020***, in line with the County and National trend ~~to 6.6 points lower than the previous year. The number of recorded births in the Borough also fell, with 56 births fewer than 2018. However, the birth rate increased in 2021. KCC forecast a pressure for places in both the non-selective and selective sectors over the plan period to 2031~~*. **However, the birth rates and the number of births increased significantly in 2021 before dropping back marginally in 2022. The County Council forecasts a pressure for places in both the non-selective and selective sectors over the Plan period to 2033.**

Non-selective

The planning group is in deficit throughout the Plan period. ~~with initial fluctuation between a 180 place deficit in 2023-24, that drops to 135 in 2024-35 before returning to circa 6 FE. The longer term forecast suggests that the deficit will increase as the Plan period progresses."~~ **There is an initial fluctuation between a 148 place deficit in 2023-24, that drops to 129 in 2024-25 and then the deficit gradually increases to a high of 320 places (greater than 10 FE) in 2029-30. After 2029-30, the longer-term forecast suggests that the deficit will decrease towards the end of the Plan period to 199 places in 2032-33.**

In recent years, schools within this planning group have admitted over published admission number (PAN), creating additional capacity. The County Council anticipates this pattern to continue and will accommodate some of the forecast deficit. However, up to 90 temporary places via bulge provision within the existing Secondary schools will be needed to meet the demand for places during the initial years.

In the medium term, it will be necessary to commission up to 3 FE of permanent provision from 2025-26 in existing Secondary schools to meet the ongoing demand within the planning group. In the longer term (for the period of the Commissioning Plan for Education in Kent 2024-2028) the County Council anticipates the need for the establishment of a new secondary school from 2027 and will seek to work with partners,

including the DfE, to identify an appropriate location within the Borough over the coming year.

Selective

~~*The forecasts for the planning group indicate that there will be a deficit of Year 7 places from 2023-24 and through the Plan period. To meet the demand for Year 7 places we have commissioned a 1 FE expansion of Maidstone Grammar School for Girls school from September 2023-24. In the longer term it may be necessary to expand an existing school by 1 FE. This will be dependent on the pace and school of housing development.*~~ **From 2027-28 there is a fluctuating deficit of around a 1 FE forecast through to almost the end of Plan period. Therefore, in the longer term, it may be necessary to expand an existing school by 1 FE. This will be dependent on the pace and scale of housing development."**

The County Council also recognises the proposals for new education provision at Heathlands Garden Settlement and would draw attention to commentary raised in its response to the Main Modifications consultation dated 13 November 2023 (Appendix A)

With regards to the final paragraph 'General', the County Council draws attention to commentary raised throughout the Examination in respect of the proposals for a secondary school at Invicta Barracks.

With regards to the 'Funding sources' section, the County Council would recommend the following paragraphs are also included within this section:

The DfE Free Schools Programme is another way to deliver some of the school provision which Kent needs. The County Council has encouraged promoters to submit bids to Waves 13 and 14, with some success, but this programme is not a significant contributor to places overall and does have financial risks.

The County Council also secures developer contributions to the capital programme. The budget gap between what is needed for the County Council to meet its statutory duties as school place commissioner and what is available is significant. All avenues are being explored to reduce the risks, but inevitably difficult decisions will have to be made to prioritise the County Council's investment of the capital budget. The cost of construction has risen considerably since 2020 and is likely to continue during the Education Plan period. The County Council continues to manage and mitigate this as far as possible, however, pressure from inflation may become a constraint to the County commissioning strategy.

In consideration of the 'Key issues', the County Council would also recommend consideration of the fact that the free school programme has become more restrictive, being targeted to certain geographical areas of the country in relation to mainstream schools, and to a limited number for special schools and alternative provisions. As such, it will not be the resolution.

Education:

The County Council draws attention that matters repeatedly raised throughout the Local Plan process from the first Regulation 18 Consultation, Regulation 19 and as part of submissions to the examination in respect of education remain unaddressed and unresolved. It is important to highlight that the County Council has been consistent in all its representations to the Local Plan Review and in informal discussions with the Borough Council. Within the latest response to the Main Modifications consultation dated 13 November 2023 (Appendix A), the County Council, as Local Education Authority, was not satisfied that the Local Plan secures the provision of necessary additional secondary school places.

The County Council would also like to draw attention to the commentary from the County Council's response (Appendix A) raised in respect of the cost and timing of the new school as currently presented for Invicta Barracks within the IDP, this has been reproduced below for reference:

"Mechanism and Timing of Delivery

The allocation of a secondary school site should not be subject to a further review. It should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds any doubts that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel and the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption but to the County Council's knowledge no assessment process has been established by the Borough Council and the Borough Council does not intend to undertake such a process. The secondary school may need to be open by 2027, however the policy framework only seeks for a secondary school requirement to be 'established' by 2027 and for a school to open by 2037. This is not sufficient or adequate to meet the projected need for additional school places by 2027/2028.

Physical Barriers to Delivery

The County Council has raised concerns that the size and shape of the land identified for the school would not typically be considered appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings, which cannot be squeezed within irregularly sized or shaped sites. Additionally, the area proposed is not currently bare land or considered to be developable; the below shows an aerial view:

Not only is this area made up of steep gradient changes, but it also has on it existing residential development which would require demolition and has a significantly sized area of mature woodland within it. This places doubt on whether the site could ever be used for a school and if it could, whether significant and expensive remediation work would first be required. The Local Plan policy must require this of a developer, it cannot be a cost falling on the County Council. If this land could be remediated it would take time to do so and conflicts with the need for a new school early within the Plan period. The knock-on effects of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's viability assessment to be altered, as all contributing development will carry a greater cost burden, and this has not been reflected within the Borough Council's Infrastructure Delivery Plan (IDP).

The County Council has raised concerns about the appropriateness of this site on multiple occasions; including when first proposed through the Regulation 19 consultation – to which the County Council provided a response on 10 December 2021. The County Council recognises that the Borough Council has chosen not to select an alternative site and therefore the County Council has proactively commissioned independent advice on what measures would be required for the proposed site to accommodate a school and the potential abnormal costs involved. The conclusion of this advice is that significant remediation costs would be associated with the delivery of a school on this site and the site is unlikely to be able to accommodate a secondary school that conforms with the Government's space guidelines. This independent report has previously been shared with the Borough Council (on 31 May 2023), however its conclusions have not been reflected in the Local Plan. It is appended to this submission (Appendix A) and shows an estimated initial cost of £48-60m compared to the IDP's cost estimate of £36m. The viability of the sites contributing to the County Council's higher cost estimates has not been tested."

The response to the Main Modifications also sets out the resulting impact if this matter continues to be unresolved – i.e. that it would *"frustrate the ability for the County Council to create necessary additional school places within the Borough, the result would be that some pupils would likely be allocated surplus places within the areas of the Isle of Sheppey, Folkestone, Deal and Tonbridge and Malling. However, there isn't sufficient forecast surplus capacity across the County to absorb the full deficit and the County Council would be required to commission additional places outside of Maidstone for Maidstone residents. This is absolutely not a situation the County Council would wish to be in."*

Commentary raised in Appendix A in respect of Heathlands Garden Settlement should also appropriately be considered and reflected within the IDP.

Section C – Infrastructure Delivery Schedule

The County Council as Local Education Authority requests that the IDP is consistent in its reference to the need for 1FE expansion at Lenham Primary School.

In respect of the 'Delivery Schedule – all schemes', the Local Education Authority raises the following commentary:

- *EDLPR4 (Service Area – Primary Education; Geographic location – Larger Villages):* The 'Delivery Timescale' should be amended to **2025-2030**. It could also be noted that this is capacity is likely to be delivered within Coxheath.
- *EDM4 (Service Area – Primary Education; Geographic location – Maidstone Urban Area):* The 'Delivery Timescale' should be amended to be **post 2028.** Furthermore, the 'Estimated cost (if known)' should be amended to **£10.5m** to reflect the latest estimations.
- *EDR1 (Service Area – Secondary Education; Geographic location – Maidstone Urban Area):* The 'Estimated cost (if known)' should be amended to **£5.4m** to reflect the latest estimations.
- *EDR3 (Service Area – Primary Education; Geographic location – Marden):* The 'Delivery Timescale' should be amended to be **2025-2030.** Furthermore, the 'Estimated cost (if known)' should be amended to **£3.6m** to reflect the latest estimations.

Waste Management:

The County Council, as Waste Disposal Authority, recommends that the IDP is updated to reflect that the Allington Household Waste and Recycling Centre (HWRC) is now open. This update was shared with Maidstone Borough Council officers via email on 30 October 2023.

Sustainable Urban Drainage Systems:

The County Council refers to commentary within its response to the Main Modifications consultation dated 13 November 2023 (Appendix A).

An Addendum to the Integrated Transport Strategy (ED127)

PRoW:

The County Council would recommend that this strategy should include consideration of the need to ensure contributions for offsite PRoW network improvements given that the network will be directly impacted by the development.

An Addendum to the Viability Assessment for the Local Plan (ED128)

Minerals and Waste:

As the Minerals and Waste Planning Authority, the main observation relates to the Heathlands Garden Settlement. Land-won minerals safeguarding has been a significant consideration in relation to this site and the matter has been the subject of discussions between the County Council, as Minerals and Waste Planning Authority, and Maidstone Borough Council. This includes the County Council's Regulation 18 representations (as summarised as part of the Consultation Statement (LPRR1.61)) and the concluding of a Statement of Common Ground (ED65) to ensure that the anticipated phased development of this strategic site will not adversely impact on the supply of aggregates (soft sand). This is particularly important due to the allocated site of 3.2mt of soft sand at Chapel Farm in the adopted Kent Minerals Sites Plan 2020. The Chapel Farm site also forms part of the proposed Heathlands Garden Settlement. The submitted Addendum to the Viability Assessment for the Local Plan (ED128) document does not reference the mineral safeguarding implications. The County Council would ask that this matter and the Statement of Common Ground (SoCG) (ED65) is recognised and appropriate attention granted.

There are other areas where there may be variable degrees of viability of affected safeguarded mineral deposits. However, these are of a lower order of magnitude to the Chapel Farm consideration and in all probability, do not affect the proposed settlements development viability to such a great extent. As such, the County Council is content that these matters can be left to the detailed planning application stage to address via Mineral Assessments that can be considered against the exemption criteria of Kent Minerals and Waste Local Plan 2020 Policy DM 7: Safeguarding Mineral Resources, in the development management process.

Additional Transport Assessment – M2 Junction 3 (ED135)

Highways and Transportation:

The County Council, as Local Highway Authority, welcomes the opportunity to respond to the Inspector's additional consultation on the Maidstone Local Plan Review.

The County Council, as Local Highway Authority, has reviewed the Transport Assessment regarding M2 Junction 3 (ED135) and makes the following representations:

Junction 3 of the M2 (M2 J3) performs a critical role on both the strategic and local road networks in how it functions as an interchange between the M2 motorway, managed by

National Highways, and the A229, managed by the County Council. The circulatory of the M2 J3, including the traffic signals, is managed by the County Council.

The junction takes the form of a four-arm traffic signal-controlled roundabout (Taddington Roundabout), which connects the M2 on/off slip roads with the A229 and A2045. It is positioned within 300 metres of another traffic-signal controlled roundabout to the west (Lord Lees Roundabout), which provides access to the on/off slip roads associated with the A229 dual carriageway. The section of the A229 linking the two roundabouts also provides access to Blue Bell Hill village. High volumes of traffic on this part of the network are frequently known to result in congestion, with attendant issues of poor air quality and a high collision rate.

The traffic modelling evidence previously submitted in support of the Local Plan Review has identified how Maidstone Borough Council's planned pattern of growth will increase traffic flows at this location, with the conclusions of the Transport Extended Forecast Modelling Report (LPR 5.2) and sections 2.2/3.2 of the Corridor Assessment (ED85) making specific reference to the M2 and A229 corridors. It is therefore imperative that timely and effective mitigation in support of the Local Plan Review is delivered to ensure conditions for road users are not worsened.

The County Council welcomes Maidstone Borough Council's inclusion of M2 J3 and the section of the A229 connecting M2 J3 with M20 J6 as Items HTLPRJ3 and HTLPRJ4 within the Infrastructure Delivery Plan (ED126). Their inclusion helpfully confirms the Borough Council's intention that improvements to this part of the network will be funded and delivered to mitigate the impacts of the Local Plan Review.

It is noted that the Infrastructure Delivery Plan (ED126) affords both items a critical priority rating. The critical rating is understood to mean that this infrastructure must be provided to enable physical development to occur. A failure to provide the infrastructure could result in delays to the delivery of development.

The Infrastructure Delivery Plan (ED126) also acknowledges how outline work on proposed improvements has been undertaken by the County Council and is currently being progressed further. This work relates to the County Council's A229 Blue Bell Hill Improvement Scheme.

The County Council regards the A229 Blue Bell Hill Improvement Scheme to be of utmost relevance to any consideration of mitigation interventions on this part of the network.

A229 Blue Bell Hill Improvement Scheme

The County Council initiated work on the A229 Blue Bell Hill Improvement Scheme in 2020. The intention was to address existing congestion issues on the A229 and its associated junctions at M2 J3 and M20 J6, alongside proposals for growth in Medway, Maidstone and Tonbridge and Malling and the additional traffic that could result from a Lower Thames Crossing (LTC).

Workshops were held with key stakeholders, including Maidstone Borough Council and National Highways, and option testing was undertaken using traffic modelling. The optioneering process considered 73 different interventions to M20 J6 (26 proposals), M2 J3

(43 proposals) and A229 (4 proposals), in addition to 17 broader package and wider transport strategy options. Small-scale options, such as segregated left turn lanes, were not taken forward as they could not accommodate the forecast volumes of traffic.

The work culminated in a public consultation on the three best performing options in September/October 2020. Full details are provided on the Kent County Council website.[2]

85% of respondents to the consultation agreed that something needed to be done about A229 Blue Bell Hill and its junctions based on the current situation.

After further scheme development, two options were put forward for the Business Case, as described in Table 1.

Table 1: A229 Blue Bell Hill Improvement Scheme – Options 1 and 2

	Option 1	Option 2
Northern end of Blue Bell Hill		
Improvements to the slip road onto the A229 southbound at Lord Lees Roundabout	✓	✓
Increase the road width between Taddington and Lord Lees Roundabouts to four lanes	✓	
A new slip road onto the M2 (westbound) from the A229 immediately after Lord Lees Roundabout	✓	✓
Upgrade of the current signalised junction at Taddington Roundabout allowing traffic travelling from the M2 eastbound to A229 via a new bridge over the M2	✓	
A new separate left turn lane from the M2 westbound to the A229 at Taddington Roundabout	✓	✓
A new slip road from the M2 eastbound to a new junction arrangement at Bridgewood Roundabout		✓
Southern end of Blue Bell Hill		
Enlarge the Running Horse Roundabout to the west	✓	✓
Improve the slip road onto the M20 eastbound from Cobtree Roundabout	✓	✓
A new grade separated junction, where the existing Forstal Road bridge is currently located		
Along the length of Blue Bell Hill		
Widen the A229 to three lanes when travelling southbound towards Maidstone (between Lord Lees and Cobtree Roundabouts)	✓	✓

A Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) in December 2020 as part of the Large Local Majors funding programme and was approved on 27 October 2023.

[2] A229 Blue Bell Hill - Kent County Council

Large Local Majors funding provides a unique opportunity to achieve substantive improvements to A229 Blue Bell Hill that has not previously been possible.

The results of the modelling and economic appraisal for the A229 Blue Bell Hill Improvement Scheme indicates that the project has a Benefit Cost Ratio (BCR) of 2.2 (based on modelling using the Kent Transport Model at SOBC stage in February 2022). This shows that the scheme offers value for money and will provide benefit to both the local and wider economies.

The DfT has advised the County Council to proceed with the next stage, the Outline Business Case (OBC), and provided a development funding offer for the 2023/24 financial year.

The County Council has estimated that the completion of the OBC will cost around £10.5m. The DfT has advised that they will fund two thirds of this, which leaves a shortfall of around £3.5m. The County Council has already funded the development of the scheme to date and is not in a position to further fund the project. The County Council is therefore in the process of approaching possible funding sources to contribute to the shortfall.

Based on the current expectation, the indicative programme is:

- Submission of the Outline Business Case to the DfT, including details of the preferred scheme – December 2025
- Submit planning permission and consents – Autumn 2025
- Further detailed design – Spring 2026 to Summer 2027
- Submission of full business case to the DfT – Autumn 2027
- Construction to begin – Spring 2028
- Completion of scheme – Summer 2030 (aim to be completed before the LTC opens to traffic)

The DfT announcement on 4 October 2023 regarding Network North has indicated that the scheme is now likely to receive 100% of the funding on acceptance of an OBC.

Maidstone Borough Council - Mitigation Proposals

The County Council notes that the Transport Assessment (ED135) does not reference or demonstrably take account of the A229 Blue Bell Hill Improvement Scheme. It has evidently been compiled as a discrete body of work with the specific intention of devising small-scale road improvements that can mitigate the impacts of the Maidstone Local Plan Review in isolation.

The preparation of the Transport Assessment (ED135) has therefore given insufficient weight to the advanced progression of the A229 Blue Bell Improvement Scheme and the acceptance by the DfT that a large-scale intervention is required on this part of the network.

Furthermore, it does not clarify why Maidstone Borough Council has now chosen to submit evidence in support of a form of mitigation that differs from that described within its own Infrastructure Delivery Plan (ED126).

It is understood that the Borough Council is seeking to address concerns raised by National Highways on the potential impacts of the Local Plan Review on congestion on the mainline M2 motorway at this location. The County Council maintains the view that the A229 Blue Bell Improvement Scheme represents the most suitable means of addressing such concerns in how it tackles congestion on both the strategic and local road networks in a holistic manner.

A piecemeal approach to road improvements, such as that proposed in the Transport Assessment (ED135), is likely to prejudice the County Council's ongoing efforts to deliver major co-ordinated road improvements that will benefit Kent as a whole. The funding and delivery of the Borough Council's proposed small-scale works in support of new development would be expected to replace any financial contributions that could otherwise be secured towards the A229 Blue Bell Hill Improvement Scheme via Section 106 Agreements in support of planning permissions. This missed opportunity is significant in view of the current funding shortfall for the scheme.

The Borough Council's proposal would also set an unwelcome precedent in encouraging other neighbouring Local Planning Authorities to pursue mitigation of their Local Plans via individual small-scale interventions. This lack of oversight does not align with the co-operation on strategic matters that is encouraged within paragraphs 24-27 of the National Planning Policy Framework[3].

Importantly, multiple small-scale road layout alterations can often be more disruptive to road users when viewed against a more comprehensive and co-ordinated programme of construction.

The County Council is not therefore supportive of the proposed mitigation presented within the Transport Assessment (ED135), as it regards financial contributions towards delivery of the A229 Blue Bell Hill Improvement Scheme to be a more suitable means of mitigating the impacts of the Local Plan Review.

The County Council remains cognisant that there are delivery risks associated with the A229 Blue Bell Hill Improvement Scheme, even if funding for the OBC is secured. This means that there is currently no certainty that the scheme can be delivered at the point it is needed to mitigate the impacts of the Local Plan Review.

In view of this uncertainty, there is merit in investigating alternative solutions that could be implemented if the A229 Blue Bell Improvement Scheme cannot be delivered.

The County Council has therefore reviewed the Transport Assessment (ED135) with this scenario in mind, notwithstanding its view that the A229 Blue Bell Improvement Scheme represents the most appropriate form of mitigation.

Section 2.3 of the Transport Assessment (ED135) confirms that the mitigation proposals consist of modifications to the M2 off-slip arms of the Taddington Roundabout to create additional queuing capacity and lane allocation changes on both the Taddington and Lord

[3] National Planning Policy Framework (Department for Levelling Up, Housing & Communities, December 2023)

Lees Roundabouts. The proposals will require land owned by National Highways, although the County Council has responsibility for some of the areas needed.

It should be noted that the proposed M2 off-slip modifications are more modest than those proposed within the A229 Blue Bell Hill Improvement Scheme and will have no impact on the capacity of the circulatory element of the junction.

Where modifications to the existing highway layout are proposed, the County Council routinely requires a Stage 1 Road Safety Audit. This is not included within the Transport Assessment (ED135), although paragraph 3.4.4 indicates that it is being undertaken. The County Council regards the Road Safety Audit to be critical in view of the potential safety implications of the proposed modifications to the M2 south arm at the Taddington Roundabout. These include the increased risk of side swipe collisions that could result from the creation of three lanes for road users turning left towards the A229 and the use of a physical deflection island to address the sub-standard entry path radius. In the absence of a Road Safety Audit the County Council is unable to confirm that the proposals are acceptable from a highway safety perspective.

Whilst it is noted that paragraph 3.2.11 of the Transport Assessment (ED135) indicates betterment of the entry path radius will be achieved when compared against the existing layout, this must be viewed in the context of the additional traffic movements resulting from the Local Plan Review and the associated increased risks of conflict at a substandard junction layout. The acceptability of the proposed departure from standard to National Highways is not yet known.

Capacity Modelling

Section 2.1 of the Transport Assessment (ED135) confirms that Maidstone Borough Council's capacity modelling of the Taddington and Lord Lees roundabout junctions has been based on that previously undertaken by the County Council, with amendments made to amalgamate the two junctions into a single model and apply different lane coding and saturation restrictions. Whilst the County Council regards this methodology to be acceptable in principle, there remain concerns over the accuracy and robustness of the applied assumptions within the modelling.

The County Council maintains the view that the parameters within its own modelling represent a highly robust basis for assessment of the junctions.

It is noted that the signalised junction serving Blue Bell Hill village, which is situated on the section of the A229 between the two roundabouts, has not been included within the single model presented within the Transport Assessment (ED135). As this provides the key route into and out of the village, the County Council wishes to ensure that residents, businesses and visitors are not unduly impacted by the proposed changes.

The modelling outputs presented in section 2.2 of the Transport Assessment (ED135) for the 2037 Reference Case and Option 2 scenarios are broadly consistent with the County Council's own understanding of forecast queuing and delay at the junctions. They demonstrate how the junctions are expected to operate well above capacity, with extensive queuing evident on the A229 and A2045 arms.

Paragraphs 2.2.8 and 2.2.9 of the Transport Assessment (ED135) acknowledge how the overall impacts of the Local Plan Review in the Option 2 scenario will have a worsening effect on the queuing and delay at the junctions. This reconfirms the need for mitigation.

The modelling results presented in section 2.3 of the Transport Assessment identify how the Borough Council's mitigation proposals would affect queuing and delay at the junctions. The results indicate that the two junctions, when viewed as whole, would operate better in 2037 with the proposed mitigation in place than in the Reference Case scenario.

In reviewing the specific implications of the proposed mitigation on the roads for which it is responsible, the County Council notes that worsening conditions are forecast to arise on the A229 North Ahead Left movement on the Lord Lees Roundabout, where the queue of 11 Passenger Car Units (PCUs) in the Reference Case PM peak is predicted to increase to 78 PCUs (468 metres) with the Local Plan Review traffic and proposed mitigation added. This queueing is likely to extend onto the A229 mainline dual carriageway.

Furthermore, it is noted that the A229 Ahead movement on the Taddington Roundabout would also be affected in the PM peak as the queue of 190 PCUs in the Reference Case would increase to 317 PCUs with the Local Plan Review traffic and proposed mitigation added.

An eastbound queue of 317 PCUs (1902 metres) would extend along and well beyond the 300-metre section of the A229 linking to the Lord Lees Roundabout. It therefore raises the prospect of queuing on the A229 at Taddington Roundabout interfering with the operation of both the Lord Lees and Bridgewood Roundabouts, as well as the A229 in both directions.

This extent of queuing is expected to result in more frequent instances of exit blocking, which would impact upon the efficient operation of the other arms of the roundabouts. In addition, the County Council's analysis of crash incident patterns in support of the A229 Blue Bell Hill Improvement Scheme identified how the existing A229 northbound off slip to the Lord Lees roundabout is a crash cluster site (17 crashes occurred at this location, including two serious injury crashes, between 2014-2019). A worsening of the traffic conditions at this location is likely to increase the number of crashes.

There is no commentary provided in the Transport Assessment (ED135) on the impacts of these significant queues.

Both National Highways and the County Council have objectives to improve the resilience of the routes from Dover to the M25[4] which include transfer between the two motorway corridors. As such, the County Council regards the impact from the proposed mitigation to be unacceptable in how it would compromise the effective operation of the A229 corridor and result in a substantive worsening of queuing, delay and safety for road users.

It is highly likely that the forecast queuing on the A229 would impact upon many road users wishing to travel to the proposed Lidsing Garden Community in the PM peak. This would

[4] National Highways Kent Corridors to M25 Route report and Kent County Council Local Transport Plan 4: growth without Gridlock and emerging LTP5: Turning the Curve Towards Net Zero

inevitably influence route choice, depending on the effectiveness of any mitigation measures deployed in Bredhurst and Boxley to deter re-routing.

It is also important to note that the modelling findings for 2037 do not capture the full traffic impact of the Local Plan Review, given the expectation that full build-out of the garden settlements will not be achieved until 2050.

Lower Thames Crossing

The LTC proposals, which have recently been the subject of a Development Consent Order (DCO) examination, have demonstrated that the opening of LTC will have a significant impact on M2 J3. It is expected that the new LTC route will open in 2031.

No sensitivity testing has been included within the Transport Assessment (ED135) to account for potential LTC traffic in the modelled 2037 scenarios.

A further worsening of conditions at M2 J3 would be likely to encourage road users to utilise other less suitable routes between the M2 and M20 motorways. Alternative routes, such as the A227 and A228, are largely single carriageway roads that pass through numerous communities.

The LTC is also expected to result in an increase in the number and proportion of Heavy Goods Vehicles (HGVs) negotiating the M2 J3. Temporary increases in HGVs at the junction due to Operation Brock have already been identified as causing a reduction in capacity and increase in delays. Operation Brock requires HGVs heading to the ports to queue on the M20, and drivers re-routing from the M2 corridor use the A229 as the shortest and most direct route between the motorway corridors.

The influence of a prospective LTC on the effectiveness of interventions at M2 J3 reinforces how a strategic approach is required in respect of mitigation of the Local Plan Review at this location.

Deliverability

It is noted that the Transport Assessment (ED135) has not included a cost estimate in support of the Borough Council's mitigation proposals. The earthworks, retaining wall and relocation of utilities required for the M2 south arm widening at Taddington Roundabout would need to be accounted for in any cost estimate and, as noted in paragraph 3.2.6, require further detailed design work.

The Transport Assessment (ED135) does not identify the development sites within the Local Plan Review that would be expected to fund and deliver the mitigation. It also does not confirm the intended timing of delivery.

It is therefore uncertain whether the mitigation would be delivered by 2037 to align with the modelling, if it is largely dependent on funding associated with the Lidsing Garden Community that has a phased build-out programme extending to 2042 (as indicated in ED121 containing the proposed Main Modifications to Policy LPRSP4(B)).

In the absence of this clarity, the County Council does not regard the mitigation proposal to achieve greater deliverability certainty than the A229 Blue Bell Hill Improvement Scheme.

Summary – Highways and Transportation

The County Council regards the inclusion of the A229 Blue Bell Hill Improvement Scheme within the Borough Council's Infrastructure Delivery Plan (ED126) to be essential in ensuring the Local Plan Review meets the tests of soundness prescribed within paragraph 35 of the National Planning Policy Framework (December 2023). These tests specifically require Local Plans to be effective in how they address strategic matters relating to infrastructure provision.

The County Council does not regard the proposals for M2 J3, as presented in the Transport Assessment (ED135), to provide a suitable means of mitigating the impacts of the Local Plan Review. They conflict with the established need for substantive strategic road improvements at this location and would result in an unacceptable worsening of queuing and delay on the A229 corridor.

The Local Plan Review must therefore ensure that the impacts of planned growth in Maidstone Borough are mitigated through a requirement to provide funding towards the completion of the OBC that is necessary to facilitate delivery of the A229 Blue Bell Hill Improvement Scheme. This approach offers the best prospect of achieving transport infrastructure that will meet the wider needs of Kent.

In the event that the A229 Blue Bell Hill Improvement Scheme does not proceed, the County Council would wish to agree an alternative scope of works with the Borough Council and National Highways that can be implemented via a Section 278 Agreement.

The County Council will continue to work closely with the Borough Council to help ensure the appropriate delivery of a sound Local Plan. The County Council will welcome continued but timely engagement with the Borough Council as Local Planning Authority in addressing the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely

[redacted]

Simon Jones
Corporate Director – Growth, Environment and Transport

Enc.

Appendix A: Kent County Council response to Main Modifications submitted 13 November 2023.
Appendix B: Kent County Council Growth, Economic Development and Communities Cabinet Committee - 18 January 2024 - 2023 Community Infrastructure Levy Position
Appendix C: Commissioning Plan for Education Provision in Kent 2024-2028

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Construction Partnership Framework

Maidstone Barracks

New Build 2FE Primary & 6FE Secondary School

Feasibility Report

Contents

1. Executive Summary
2.1 Design Feasibility
2.2 Options Appraisal Site Plans
2.3 Schedule of Accommodation
3. Commercial Feasibility
4. Clarifications
5. Initial Key Risks
6. Conclusion

Our Values

Collaborative

Trusted

Focused

1.0 Executive Summary

Kier have been engaged by The Kent County Council (KCC) to establish the feasibility of RIBA Stages 0 to 6 for the delivery of a new build 2FE Primary School and a 6FE Secondary School on the Invicta Barracks site in Maidstone.

The objective of this report is to determine whether this site would provide sufficient space for the education requirements and to establish whether the project is viable to be delivered by Kier.

Based on KCC information issued to date our understanding is that the initial scope of works is as follows:

- **The proposed site is Invicta Barracks and the Client has provided a red line boundary mark up to indicate the area for the feasibility. The existing site has a large area of existing buildings and woodland.**
- **Construction of a new All-Through School located in Maidstone, Kent, within the site boundary of Invicta Barracks. This includes a 6FE Secondary School and a 2FE Primary School including access roadways/footpaths, car park, landscaping, and play areas.**
- **Demolition and clearance of buildings and required woodland**

Kier Construction have worked collaboratively with Kier Design Services to ascertain whether the proposal would fit on the suggested site. Within this report, you will find 3nr design options providing consideration to how the proposal may fit within the boundary and the related key risks. The options are as follows:

1. Removal of majority of existing woodland – PLANNING ISSUE ANTICIPATED
2. Partial removal of woodland (still a large amount removed) – PLANNING ISSUE ANTICIPATED
3. Potential use of adjacent site – Unknown political/planning issues? Client to feedback
4. Potential use of adjacent site – Unknown political/planning issues? Client to feedback

The following report details the outline proposals for the design to form a basis of agreement for the project.

We would welcome further discussions to clarify the Scope of Works and next steps.

- KCC basic need calculation: £45m excluding Inflation
- Kier Feasibility Estimate: £48m - £60m excluding Inflation & V.A.T

KCC key dates for the project are:

- Construction: 2029

2.1 Design Feasibility

New Build

Options Appraisal 2FE Primary 6FE Secondary

Maidstone All-Through School

Design Options - Executive Summary

Kier Design and Business Services were commissioned by Kier Construction and Kent County Council to carry out a Site and Options Appraisal to assist in the Feasibility Study for the Design and Construction of a new All-Through School located in Maidstone, Kent, within the site boundary of Invicta Barracks. The new facility formal design process would not commence until 2029 therefore, the site has been assessed in view of objectives to decarbonization and energy standards past 2030.

An architectural team was engaged to carry out this Report which encompasses area analysis and commentary on footprint location, site setting out and design solutions. If the Client does pursue this site, a series of Engagement meetings are required to be carried out with the Client and School, including staff and stakeholders to help develop a robust Client Brief, Cost Plan and Schedule of Accommodation. The team have identified surveys required in order to progress an education scheme on this site.

An analysis of the whole site was carried out and a number of high risk items and unknowns, particularly to the woodland area, restricts any conclusive recommendations for this sites viability.

The site area is adequate for a 2FE primary and 6FE secondary all through school however, the site constraints provide significant challenge and risk. This is particularly due to the area and potential removal of woodland, resulting in restriction of area for soft PE, the design does attempt to mitigate area challenge with the provision of an All Weather Pitch. All elements of the scheme can be successfully located onto the site with some removal of trees, an Option has also been proposed with full tree removal as briefed. It is assumed all 10,000m2 of existing building footprint within the site boundary will be demolished. Surrounding context has been analysed and identification of further opportunities noted. 2 adjacent alternative sites have been explored with apparent less risk involved.

The Primary and Secondary Blocks have been placed on the site with access and orientation considered for low energy Passivhaus design. A separate sports Hall block has been accommodated on the site to give flexibility to out of hours use and community. Blocks and Accommodation schedule have been analysed against BB103 recommendations, any shared space opportunities or restrictions should be developed within a formal Stage 1 engagement process with the Client and end user.

Maidstone All-Through School

Site Location

The site is located within the perimeter fence line of Invicta Barracks in Maidstone, Kent. The barracks form a 46.74ha site located within Maidstone Kent. The site is only a 10 minute walk from the town centre and sits within an urban context. A recent Strategic Land Use Plan shows the remaining barracks site proposed as residential and leisure use.

Site Features

The red line boundary of the proposed site shows likely main access points into the site from the North. There is opportunity for footpath and service vehicle access to the whole of the site but until further site investigations are undertaken this can only be reviewed at high level. The site currently contains a 10,000m2 footprint of existing buildings requiring demolition, a full asbestos survey will be required.

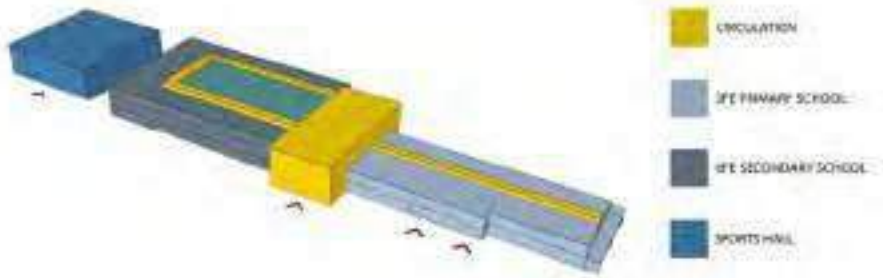
Surrounding Site Opportunities

The wider existing context shows well maintained playing fields to the North and East of the Site. There is currently Primary School provision adjacent to the site to the South on Peel St, North Borough Junior and on Hillary street, St. Pauls Infant school. These adjacencies could provide further opportunity for enhancement to educational provision, particularly for Soft PE. Alternative sites been reviewed with lower risk and can be found at the back of this report.

Maidstone All-Through School

Building areas based on BB103 guidance:

- Base area for all through school Range – 1050m2 -1270m2
- Additional area/pupil:
- Primary 420 Pupils Range – 1829m2 – 1890m2
- Secondary 900 Pupils Range – 5,670m2 – 6390m2
- Nursey 26 Pupils Range - 106.6m2 – 117m2
- Total Range 8,656m2 – 9,667m2



Primary, Secondary and Sports Block Arrangement with Circulation

- GIFA:
- 2E Primary [w/26 place nursery]– 2,190m2
- 6FE Secondary [11-16] – 6,720m2
- Approx. GIFA – 8,901m2

A schedule of Accommodation can be found at the end of this Report.

The Primary and Secondary Blocks have been placed on the site to low energy Passivhaus principles. A separate sports Hall block has been accommodated on the site to give flexibility to out of hours use and community.

It is recommended full Stage 1 engagement is carried out with the Client and end users at the next stage of development to understand the area needs of the school and any shared space requirements between primary and Secondary cohorts.

The primary school is located to the West, adjacent to Forest School provision with the KS1 play area wrapping around the existing trees to the south. Entrance to the secondary school is to the East, specialist and general teaching accommodation wrap around large hall and resource spaces.

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Maidstone All-Through School

Existing Site:

- Allocated Site Area Approx. - 66,000m2
- Building Demolition Required Approx. – 10,000m2
- Existing Woodland within site Approx. – 16,000m2
- External Areas:

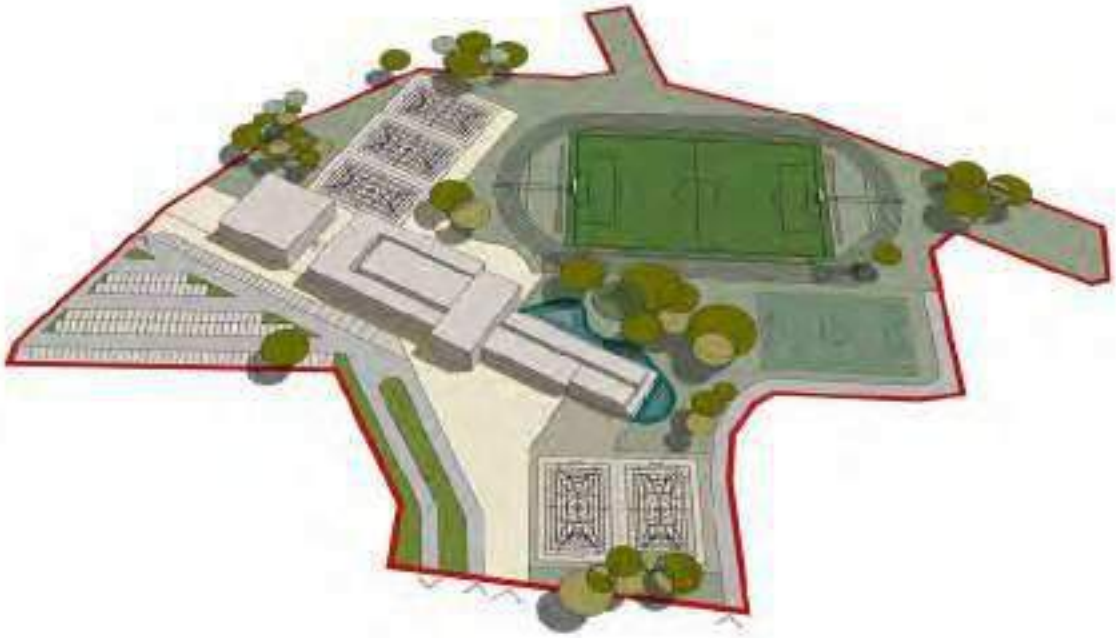
BB103 Requirement Primary:

- Base Total Site Area Primary 2000m2 - 2400m2
- Additional area/pupil
- Nursery 26 Pupils Range - 156m2 - 182m2
- 5-11 Primary 420 Pupils Range - 13,986m2 - 17,640m2
- Total Range Primary 16,142m2 – 20,222m2

BB103 Requirement Secondary:

- Base Site Area Secondary 9000m2 - 11000m2
- Area/pupil
- 11-16 Secondary 900 Pupils Range - 45,000m2 - 56,700m2
- Total Range Secondary - 45,000m2 - 56,700m2

Grand Total – 61,142m2 – 76,922m2



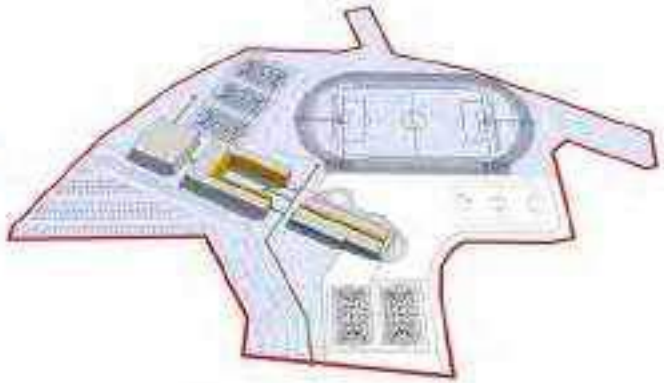
The existing site area falls within range of a school of this size, by placing the access, parking and building footprint to the North, this maximises the south of the site for hard and soft games and PE. Two Options have been developed to analyse the extent to which tree removal would be necessary. It is recommended site surveys are undertaken before any further development, to understand the condition and ecology of the trees and site as removal of trees is currently high risk. Without some removal of trees, the extent of outdoor provision for sports and suitability of this site for educational purposes is limited.

Maidstone All-Through School

User Circulation and Site Area

Primary Site Boundary

16,200m2 + Shared Entrance and Parking



Secondary Site Boundary

49,800m2 including Shared Entrance and Parking

Out of Hours Use

If required, the school can be used out of hours by community groups for sporting and educational purposes.

Maidstone All-Through School

External BB103 Area Analysis

Soft Outdoor PE – 45,900m2

Unachievable: available area can be increased if majority of trees removed from central zone but an All Weather Pitch would be recommended, supported by a Junior pitch and surrounding soft PE activities within an area of approx. 22,000m2. There are 4 grass pitches already established to the North and East of the site suitable for secondary curriculum and community use and a junior pitch to the South of the site at North Borough Junior School.

Approx. 29,800 to the secondary site [including double counting for all weather pitch] and 4000m2 to the Primary site totalling 33,800m2.

Hard Outdoor PE – 2,780m2

Achievable: located adjacent to pitches in the form of MUGA's. The area can be increased by placement of further MUGA's to compensate the loss of soft PE. There is area within the site for 2 MUGA's to the Primary one and 2-3 to the Secondary zone. Approx. 6,400m2 MUGA area.

Soft Informal and Social Area – 3,892m2

Achievable: located across the site through careful engagement with the end users and community.

Hard Informal and Social Area – 1,720m2

Achievable: located across the site through careful engagement with the end users and community.

Habitat - 660m2

Achievable: If the majority of the woodland is managed and maintained, this could provide opportunities for outdoor education, forest school and orienteering. There are further educational and biodiversity opportunities to introduce habitat and wildlife through ponds and sustainable drainage solutions [SuDS] within and around the perimeter of the site.

Non net/Float – 8,052m2

Main access points to the site are only available from the north at present. There is opportunity for foot path access and service vehicles to the site but until further site investigations are undertaken this can only be reviewed at high level. An access road for drop off and parking is proposed to the East of the site, this will facilitate staff parking, drop off, visitor parking and potential community out of hours parking if the sports hall and outdoor facilities are available out of hours and holidays. Service and refuge can also be accessed from this point, there is also potential to retain the service road running to the North West of the site to service the soft sports pitches and primary school facilities.

Total – 63,004m2

Where there is limited outdoor space available to pupils on a restricted site, consideration should be given to providing the following:

- firstly, hard informal and social area, including outdoor play area immediately accessible from early years classrooms;
- then hard outdoor PE space, ideally in the form of a multi-use games area;
- then soft informal and social area;
- finally soft outdoor PE area.

There is a large central woodland within the site boundary of approximately 16,000m2, which is most likely well established. This will likely result in significant ecological and biodiversity risk to the scheme if removed. There are opportunities to integrate a forest school and other outdoor education provision within this zone however, for the scheme to work to its full potential it is likely some trees will have to be removed to achieve a workable school site and BB103 areas.

Parking

154 parking spaces and 6 Acc. spaces are currently achievable on the site. A secure, covered cycle store for 90 bicycles has been positioned to the front of the site. There is further potential to create parking to the West and East of the site if further spaces are required, this should be discussed with the local planning authority, Client, end users and Community.

Maidstone All-Through School

Site View - North

Main segregated pedestrian, cycle and vehicular entrance with staff parking, service access and main student boulevard.

Site View - South

Soft and synthetic sports pitches, outdoor classrooms, forest school, habitat and soft and hard social landscape.

Maidstone All-Through School

Conclusion

In conclusion, the total area of the proposed site is adequate for a 2FE primary and 6FE secondary all through school however, the site constraints provide significant challenge and risk. This is particularly due to the unknown nature and size of woodland and its resulting restriction of area for Soft PE. Although the design options can be mitigate some area with the provision of an All Weather Pitch it is unlikely that the site would acquire planning permission with the volume of tree removal. Surrounding context has been analysed and identification of further opportunities adjacent to the site have been developed for suitability if required. The two alternative sites analysed have existing well maintained grass pitches and good access lines. Further development would be required to analyse these sites in full if viable.

The site is approx. 66,000m2 and within BB103 guidance range for a combined 2FE Primary and 6FE Secondary School. The site does however have a significant amount of existing woodland and potential significant ecological habitat and Arboricultural value. Although there are strategies that can mitigate loss, an increase of 20% on biodiversity net gain may prove challenging and is currently presenting a high risk to the success of the scheme. It is recommended a full range of site surveys are undertaken and reviewed before any further development work is taken forward.

In order to progress the development of this project the following surveys are recommended:

- Topographical Survey
- Tree Survey
- Arboricultural Assessment
- Transport Statement
- Travel Plan
- UXO Assessment
- Acoustic Report
- Minerals Assessment
- Planning Appraisal
- Viability Assessment
- Building Condition Survey of Existing Barracks
- Asbestos
- Landscape Visual Impact Assessment
- Air Quality Report
- Flood Risk Report
- Heritage Assessment
- Archaeological Assessment
- Land Contamination Report
- Utilities Survey
- Ecological Survey
- Sustainability Strategy

2.2 Options Appraisal Site Plans

Option 1 – Removing over 80% of Trees on Site

Option 2 – Retaining over 50% of Trees on Site

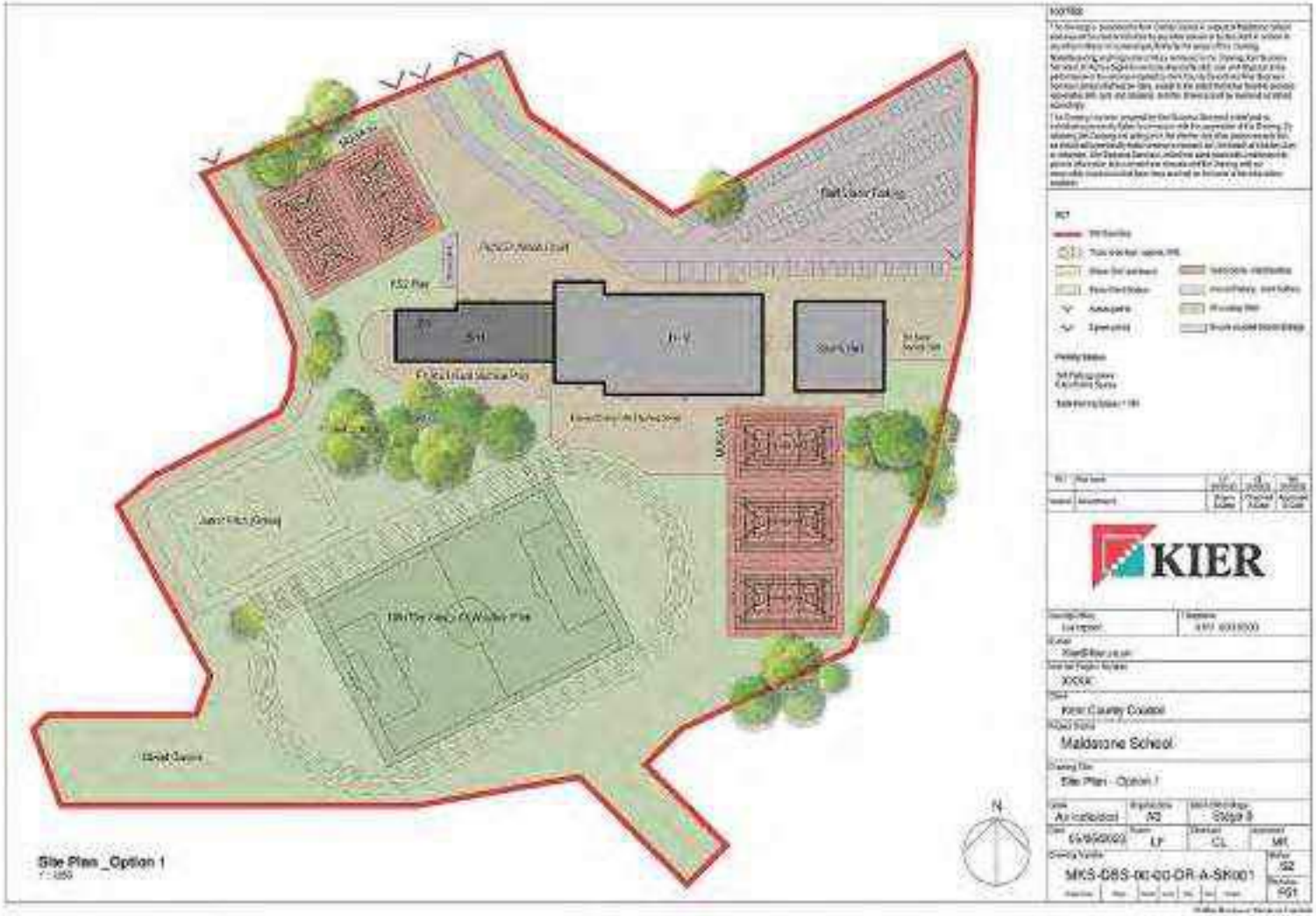
Option 3 – Alternative Site A

Option 4 – Alternative Site B

Maidstone All-Through School

Site Option 1 – Majority of Trees Removed

Option 1 allows more opportunity for Soft PE and clear accessible routes through the site. The risk associated with the significant loss of trees and potential ecology on site would be determined through site surveys and engagement with the Local Authority, Arboriculturist and Ecologist.



Maidstone All-Through School

Site Option 2 – Large proportion of Trees retained

Option 2 attempts to retain a larger proportion of trees on site, this limits the external sporting provision but could enhance user experience and provide further opportunity for outdoor education. There is still a significant loss of trees with this option, the risk associated with this loss and potential ecology on site would be determined through site surveys and engagement with the Local Authority, Arboriculturist and Ecologist.

Maidstone All-Through School

Site Option 3 – Alternative Site approx. 65,000m2

Option 3 looks at the site North West of the Brief site where an established pitch, parking and access are readily available.

Maidstone All-Through School

Site Option 4 – Alternative Site approx. 67,000m2

Option 4 looks to the site to the West of the briefed site, it has 2 large grass pitches and access from Sandling Lane.

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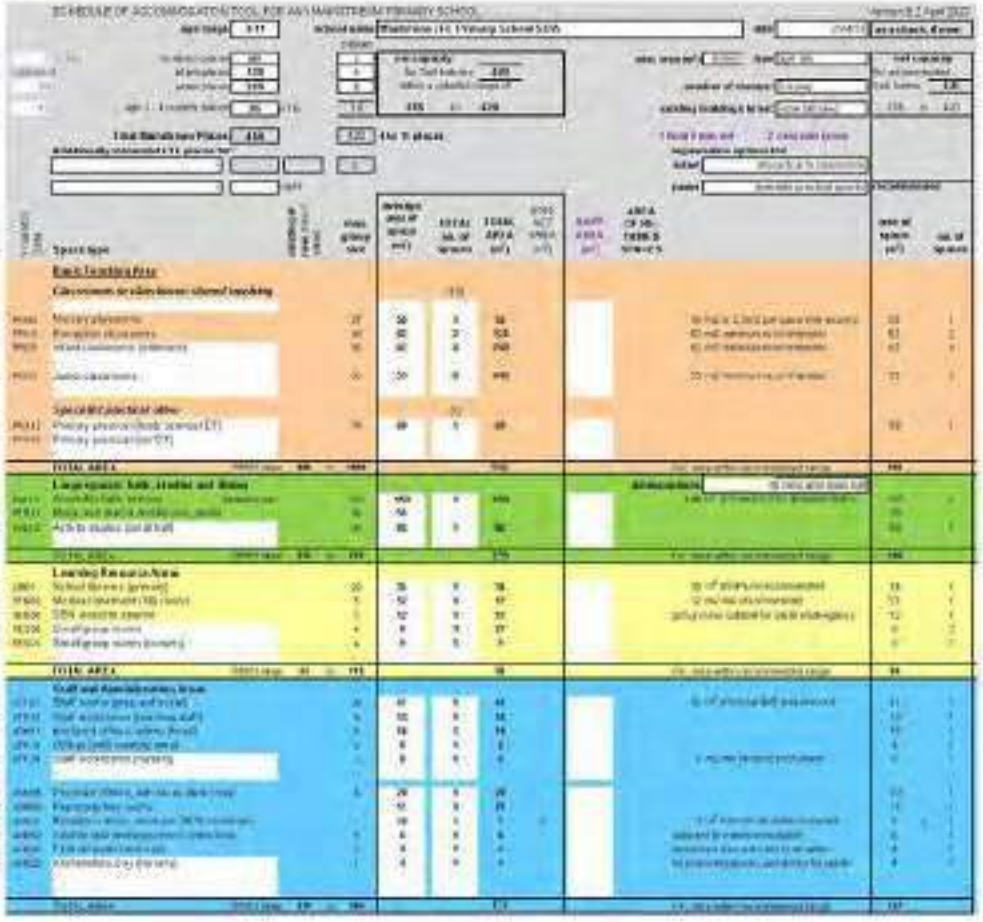
2.3 Schedule of Accommodation

Based on BB103 Primary and Secondary Area Requirements

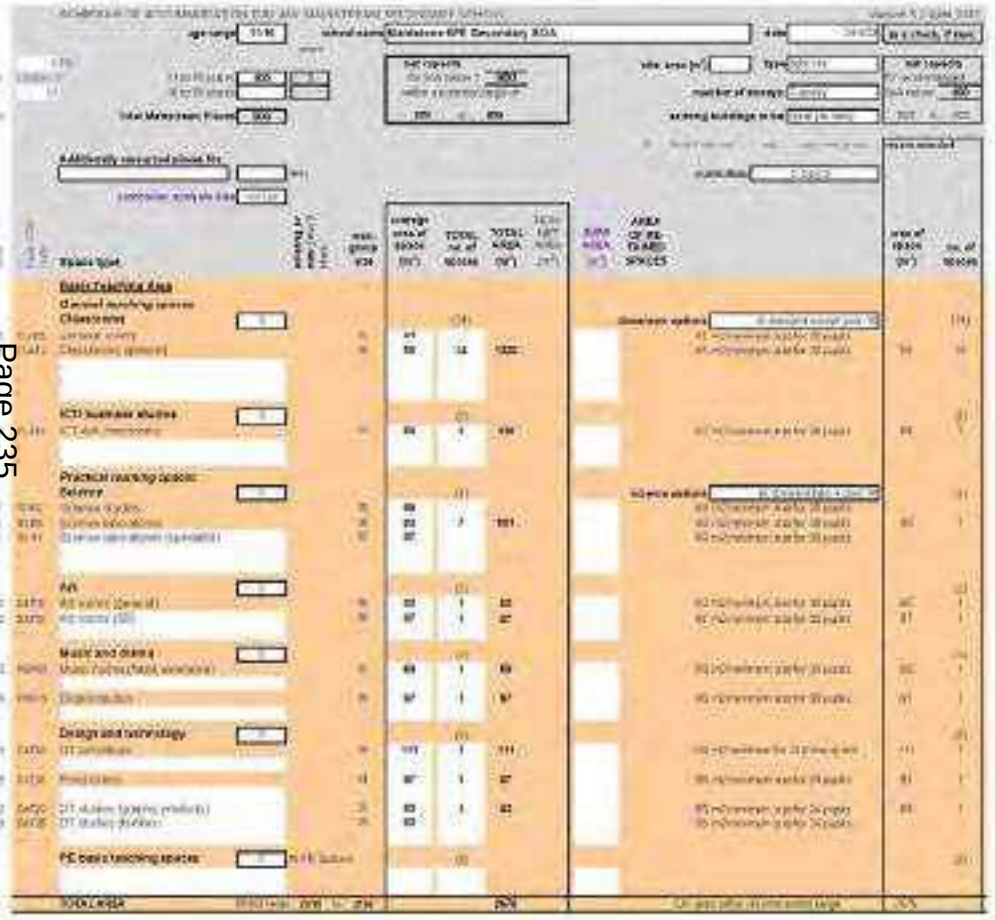
Maidstone All-Through School

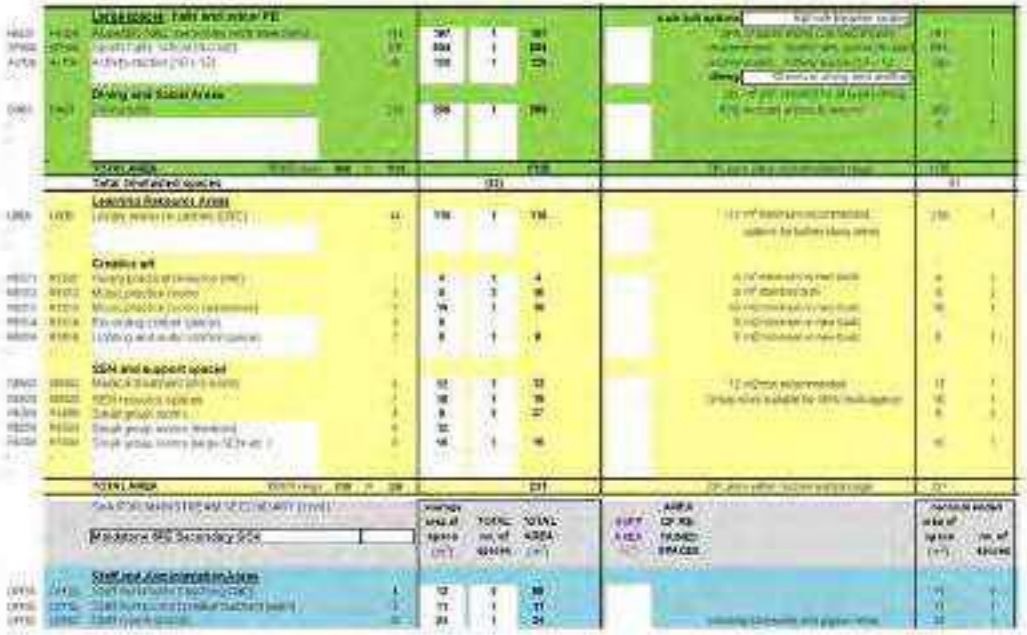
2FE Primary and 26 place Nursery Schedule of Accommodation – BB103



Maidstone All-Through School

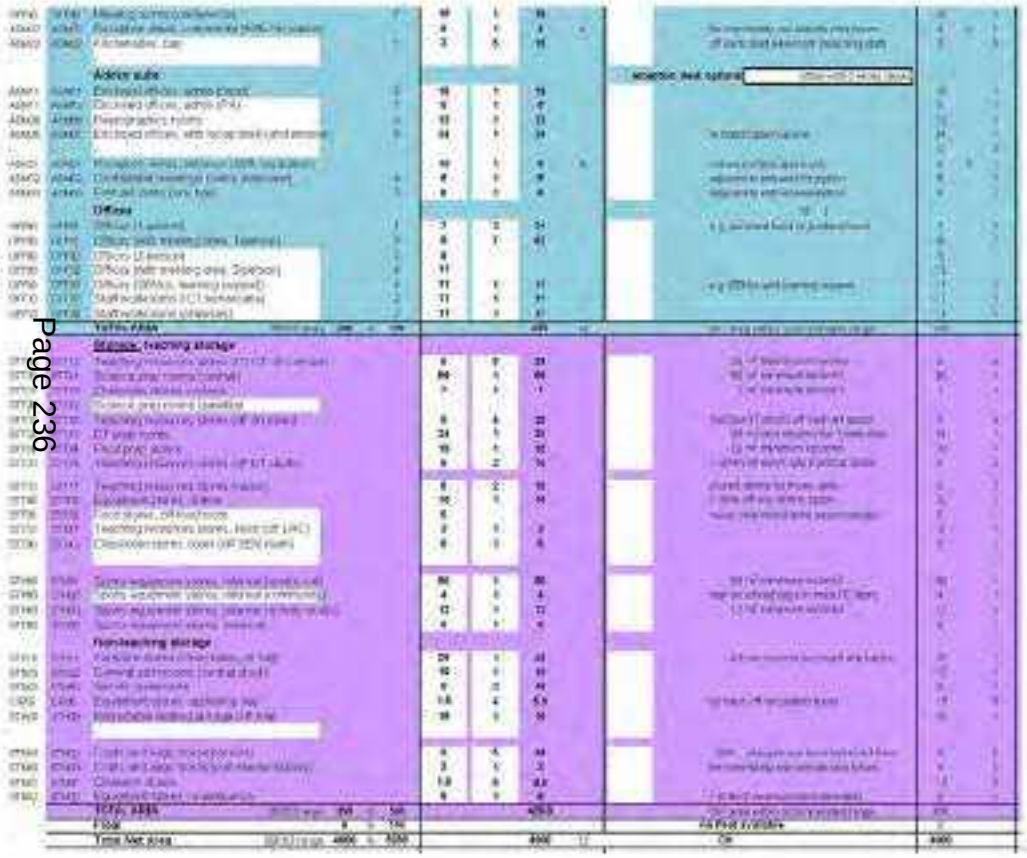
6FE Secondary [Assume no P16] Schedule of Accommodation – BB103

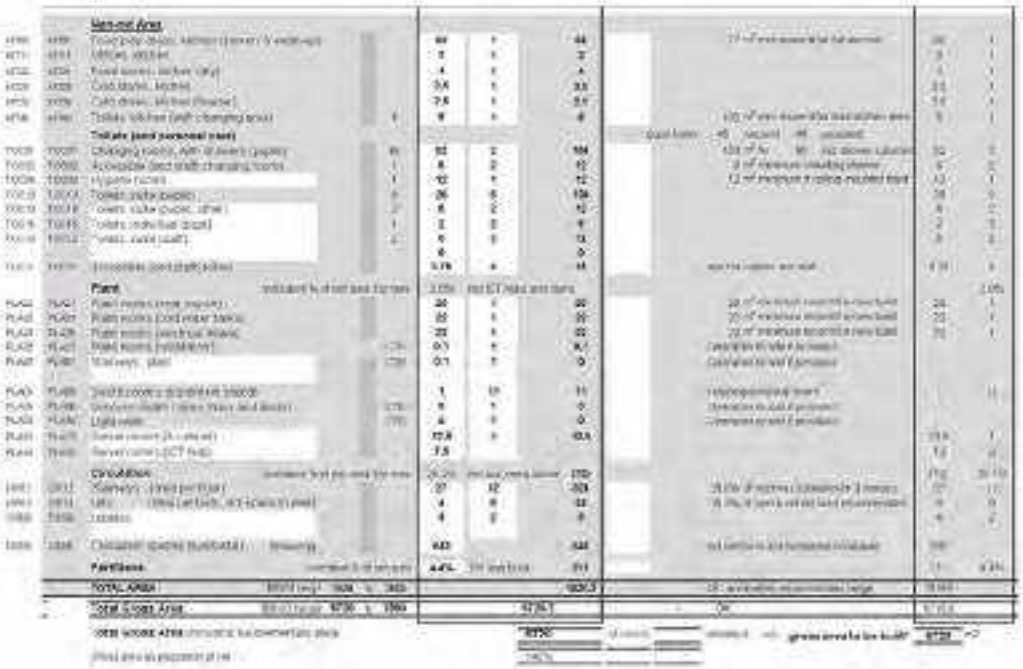




Maidstone All-Through School

6FE Secondary [Assume no P16] Schedule of Accommodation – BB103





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3. Commercial Feasibility

Basic Need, Benchmarking & Estimates

3.0 Cost Report – Inflation Calculation

The BCIS indices have been used to calculate the potential inflation from May 2023 to May 2029:
(Please note the BCIS published indices only account for up to 2027 therefore an assumption from this point has been made)

Month	Indices	Annual Increase	Comments
May-23	445		
May-24	468	5.3%	
May-25	482	2.9%	
May-26	493	2.4%	
May-27	506	2.6%	
May-28	531	3.3%	BCIS indices only published to 2027, therefore an
May-29	558	3.3%	average of 24-27 used to assume 28 & 29
Inflation from May-23 to May-29		**26%**	

Please note that this is indicative only based on the BCIS information available at present.

3.0 KCC Basic Need

KCC have provided the below Kent Benchmarking Score Cards which dictates the basic need cost per pupil. This does not allow for any abnormals/site specifics or specialist requirements.

School Type	Expansion	Kent Benchmark (adjusted for location)	FE x pupils/class x year groups	Total Pupils	Total Cost
Primary	~~Permanent~~	~~£19,447~~			
	~~Temporary~~	~~£9,255~~			
	New School	£23,283	2 x 30 x 7	420	£9,778,860
Secondary	~~Permanent~~	~~£27,004~~			
	~~Temporary~~	~~£10,224~~			
	New School	£28,194	6 x 30 x 7	1,260	£35,524,440
				Total Basic Need Budget	**£45,303,300**

Please see below adjustment for inflation from 2023 to 2029 based on the BCIS indices:

School Type	Expansion	Total Basic Need Cost from Above	Inflation to 2029 (please see inflation tab for calculation)	2029 Total Projected cost based on inflation calculation
Primary	New School	£9,778,860	26%	£12,275,279.76
Secondary	New School	£35,524,440	26%	£44,593,381.98
			Total including Inflation to 2029	**£56,868,661.74**

3.0 Benchmarking - GIFA

Please see Kier Benchmarking against previous education projects in the region indexed to 2023:

New Build Primary		
Project	**GIFA**	**Cost £m/2**
Primary A	1,221	3,624
Primary B	1,850	3,558
Primary C	3,423	4,618
Primary D	2,636	3,901
Primary E	2,312	3,712
Primary F	2,180	4,187
Average £/m2		3,933
Maidstone Barracks Primary GIFA		2,190
Maidstone Barracks GIFA x m2 rate		£ 8,613,901.06

New Build Secondary		
Project	**GIFA**	**Cost £m/2**
Secondary A	8,570	2,967
Secondary B	7,198	3,057
Secondary C	4,334	3,106
Secondary D	6,720	3,691
Secondary E	6,320	4,934
Secondary F	9,800	3,247
Secondary G	6,520	3,330
Average £/m2		3,476
Maidstone Barracks Secondary GIFA		6,720
Maidstone Barracks GIFA x m2 rate		£ 23,359,369.06

Total Primary & Secondary Maidstone Barracks Benchmarked Build Cost	**£ 31,973,270.12**

26% of above to calculation inflation from 2023 to 2029	**£ 8,313,050.23**
Revised Total including inflation calculation	**£ 40,286,320.35**

Please see the following slide for incorporation of the above into the cost feasibility which includes abnormals, risk and inflation.

3.0 Cost Report – High Level Budget

This is a very high level feasibility study based on the basic information available benchmarked using existing education data.

Upon further instruction or information release, a more detailed cost plan exercise should be carried out.

TRADE CODE	TRADE	BEST COST	MEAN COST	WORST COST	NOTES/COMMENTS
1.1	BENCHMARKED NEW BUILD (please see relevant tab)	£ 31,973,270.12	£ 34,371,265.38	£ 36,769,260.64	Worst case increased by 15%
1.2	SCHEME ABNORMALS	£ 1,598,663.51	£ 2,637,794.78	£ 3,676,926.06	Between 5% and 10% of the above
	TOTAL BUILT COST ESTIMATE	£ 33,571,933.62	£ 37,009,060.16	£ 40,446,186.70	
	Oh&P on Work Package Cost @2.5% of cost	£ 839,298.34	£ 925,226.50	£ 1,011,154.67	OH&P to be negotiated
2	RISK ALLOWANCE	£ 3,441,123.20	£ 4,829,862.20	£ 6,218,601.21	Between 10% and 15% of the above
	TOTAL RISK COSTS	£ 3,441,123.20	£ 4,829,862.20	£ 6,218,601.21	
	Oh&P on Work Package Cost @2.5% of cost	£ 86,028.08	£ 120,746.56	£ 155,465.03	OH&P to be negotiated
	PROJECT TOTAL	£ 37,938,383.24	£ 42,884,895.42	£ 47,831,407.60	
3	INFLATION TO MAY 2029 @ 26% based on BCIS inflation calculation (please see relevant tab)	£ 9,863,979.64	£ 11,150,072.81	£ 12,436,185.98	
	TOTAL INC INFLATION TO 2029	£ 47,802,362.88	£ 54,034,968.23	£ 60,267,573.58	

4. Clarifications

Assumptions, Clarifications and Exclusions

4.0 Feasibility Clarifications

- Kier take no responsibility for land ownership or the related processes/applications/certifications. We have assumed KCC will have full ownership of the land at the time of development.
- We have excluded any alterations to the highway and assume road access is suitable for the proposed works.
- We have assumed the existing site consists of basic barracks accommodation buildings only (two storey max), no allowance for specialist demo.
- We have not included coordination of works by others on behalf of KCC or the school.
- We have not allowed for KCC/school changes to the scope which may impact cost/programme.
- We have excluded Heritage England.
- There is a high planning risk involved with the proposed development. KCC take responsibility for planning approval and implications/recommendations.
- Feasibility calculations have been based on BB103 requirements. Please note within the design portion of the report that not all minimum requirements can be met. Derogation will require Client approval/agreement in order to progress the scheme.
- The study is based on the requirement of 6FE Secondary and 2FE primary. Any change to the PAN or FE will impact cost.
- No surveys have been provided, therefore all survey items are high risk until surveys can be carried out to close out or mitigate where possible. This includes but is not limited to: arboricultural, stats, utilities, existing services, UXO, asbestos, archaeology, ecology, acoustics.
- We have not allowed for the condition and capacity of existing MEPH Services.
- Kier will work to the Department for Educations Output Specification, unless otherwise instructed by the Client not to do so for budgetary constraints. Derogations must be approved by the Client, non-approval any such items will impact the cost/programme.
- We have not included for Land Acquisition and associated costs (CPO).
- Legal, Agency Fees and Value Added Tax are excluded.
- Section 106/278 Agreements are excluded.

5. Key Risks

High Level

5.0 Initial Key Risks

- Due to the age of the existing site/buildings, there is high risk of **asbestos** in the ground and existing buildings.
- Condition and capacity of **existing services**. Due to the size of the development, there may be a need for new connections/supplies.
- **Aboricultural risk** – It is believed that the woodland area will be protected and may prohibit or limit removal. This will pose a planning and **ecological risk**. It is unknown whether TPOs are in place in this area.
- **BB103 compliance** may not be achievable for the external soft outdoor spaces due to the woodland area.
- It is believed there will be some **politics** involved in the progression of this scheme which may prevent the site from being feasible for the proposed use.
- To minimise woodland loss, the Client should consider the **use of external/local sports/playing facilities**. Some of the options within this report assume use of neighbouring/near-by facilities.
- The site, or parts of it, are likely to be of **high ecological value** which may restrict or limit the development. Ecological surveys may be required to be undertaken at specific times of the year.
- An assessment of **Biodiversity Net Gain (BNG)**, along with ecology surveys will be required. As of November 2023, it will be a statutory requirement to achieve a 10% net gain with potential 20% requests from local councils.
- There is a **listed building** within the MOD site, although there will be no direct impact on this site, there may be potential impact on its setting and significance. Early involvement from a Heritage specialist is recommended.
- The Client should advise the point of **occupation** as this may be impeded by the surrounding developments if they are ongoing.
- The **access routes** into site are limited due to the location of the proposed site.
- There are not **existing public transport routes** to the proposed site.
- An assessment of the **local highway network** would be required and agreement from KCC highways required.
- Due to the existing use and history of the site under the MOD, it is assumed there is a higher risk of **UXOs and dangerous items** and materials.

5.0 Risk Profiles

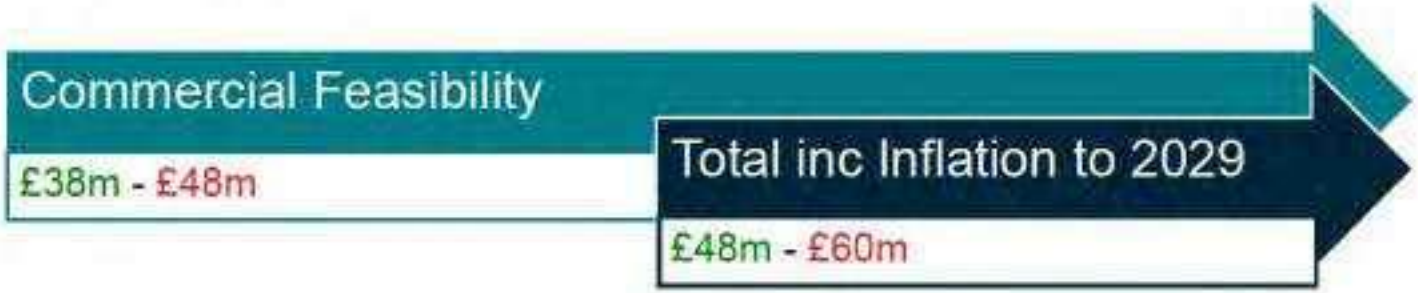
Site Option 1		Site Option 2		Alternative Scheme	
Ref'	Risk	Ref'	Risk	Ref'	Risk
1.1	**Planning / Arboricultural:** 80% Woodlands removal – High	1.2	**Planning / Arboricultural:** 20% Woodlands removal – High/Medium	1.A	**n/a**
2.1	**Ecology & Biodiversity:** Potential ecological loss due to extent of tree removal – High (subject to surveys)	2.2	**Ecology & Biodiversity:** Potential ecological loss due to extent of tree removal – High (subject to surveys)	2.A	**n/a:** Significantly reduced – Low (subject to surveys)
3.1	**BB 103 Compliance:** External soft outdoor space requirements would not be achievable due to existing woodlands – High/Medium	3.2	**BB 103 Compliance:** External soft outdoor space requirements would not be achievable due to existing woodlands - High	3.A	**n/a**
4.1	**Planning / Transport:** Shared access with existing barracks / wider development - Medium	4.2	**Planning / Transport:** Shared access with existing barracks / wider development - Medium	4.A	**Planning / Transport:** Consider independent access from Sandling Lane - Low
5.1	Access: Access is limited due to site location	5.2	Access: Access is limited due to site location	5.A	Access: Access is improved with the use of established roadways
6.1	Sports Facilities: Use of local facilities required	6.2	Sports Facilities: Use of local facilities required	6.A	Sports Facilities: Use of local facilities required

6. Conclusion

6.0 Conclusion

In conclusion, the total area of the proposed site is adequate for a 2FE primary and 6FE secondary all through school however, the site constraints provide significant challenge and risk.

Commercial Feasibility Headlines:



Key Risks:

Annex 1 – Proposed Modifications Issued to KCC 22/11/2022

<table>
<tr><th>Number</th><th>Policy/paragraph</th><th>Change proposed</th></tr>
<tr><td></td><td>LPRSP5(B) Invicta Barracks (1)</td><td>Housing completions are anticipated to commence 2027/8, with infrastructure being delivered in accordance with the table below:
<table>
<tr><th>Phase</th><th>Development</th><th>Indicative Infrastructure Secured</th></tr>
<tr><td>1 (From 2027)</td><td>• c500 units</td><td>• Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes,
• Provision of bare serviced and accessed land suitable in size, shape and condition for construction of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.
• Timescales and phasing for withdrawal confirmed with MoD;
• Ped/cycle connections to Town Centre
• Open Space complementary to new homes;
• Confirmation on reprovision of Hindu Temple;
• Strategy for re-use of Park House and surrounding parkland/woodland agreed;
• Biodiversity Plan agreed.</td></tr>
</table></td></tr>
</table>

		2 (From 2032)	• c1,000 total units	• Central parkland enhancement completed; • A229 Junction improvements completed; • Off-site highway mitigations completed • New Local/ neighbourhood centre established; • Bus diversion into the site; • Open Space complementary to new homes.

Number	Policy/paragraph	Change proposed
		3 (By 2037) • Min 1,300 units total • Local Centre • New through school • Open Space complementary to new homes; • N-S Bus route operational.
	SP5(B) (3)	Ensuring requisite community facilities, which may include neighbourhood shopping and health facilities ~~in addition to a new through school~~, are delivered where proven necessary and in conjunction with housing;
	LPRSP5(B) (7)	Preservation of features of ecological importance, including the retention and enhancement of wildlife corridors, and ensuring that connection with ecological features and corridors outside the site is maintained/enhanced, and securing a minimum 20% biodiversity net gain.
	LPRSP5(B) (9)	Preservation of Park House (Grade II*) and its setting, in particular the parkland to the north and east of Park House ~~to include removal of existing built development at 1-8 (consecutive) The Crescent to enhance/restore the parkland setting~~; and
	LPRSP5(B)	New Point 11: The SPD should have a focus on celebrating the military heritage and broader history of the site.
	LPRSP5(B)	New Point 12: Retention of a Hindu place of worship within the site will be required
	SP5(B)	New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.

Annex 2

From: Mark Egerton <MarkEgerton@Maidstone.gov.uk>
Sent: 25 November 2022 14:25
To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hello Nick,

Further to Phil's email, following further negotiation with the promoter, we were able to reach a position which is hopefully reasonable for all parties. Please note that the text has been commended to the Inspector and it is for the Inspector to now decide whether it is appropriate to incorporate it (although I see no reason for this to be an issue for him).

The Main Modification submitted as a new point 13 of the Policy remains – "Provision of an 8FE all through school (2FE and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need."

In addition, new text has been inserted into Phase 1 within the Policy which states "Identifying the land for future educational needs and mechanism for transfer to KCC subject to need being established".

In addition, we have sought to shore up the position in diagrammatic form by way of an "Indicative Framework Masterplan". This diagram is attached and has now set aside the land for the school as part of the scheme (again, subject to the Inspector's agreement).

As I say, a compromise has been necessary and we accept that there unlikely to be other sites identified but this was a major issue for the MoD, but we very much hope that this will allow us to move forward.

Kind regards

Mark

Mark Egerton

Strategic Planning Manager

Strategic Planning

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

t 01622 602062 www.maidstone.gov.uk

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>
Sent: 25 November 2022 08:21
To: Nicholas.Abrahams@kent.gov.uk; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, thank you. We dealt with Invicta yesterday morning, so in the absence of confirmation, had to agree some words with the promoter and second guess what the Inspector would go with. We have also agreed with them that the school site is now in phase 1.

I do not have the final text on my laptop, Mark will forward this morning, but it is consistent with what we shared below, and the promoter is now in agreement and clear on the arrangement.

In order to provide KCC with additional certainty, we agreed with the promoter and jointly recommended to the Inspector, that in addition to the school site being included in phase 1, the key diagram, which sets out the land uses, will be added to the policy – so the land area will then be set in policy.

Mark will forward the text as said above and I would be grateful if you can confirm that you are happy with it. If not, I have a copies of the SoCG with Education removed and included in a separate one, as we really need the generic document signed now so that we can provide to the Inspector, and this issue has held it up all week – but obviously it is much easier if we can just have one.

I have tried to phone you several times, but if you wish to discuss, I will be on my mobile – [redacted] I am in hearings this morning, but will get you back asap if I miss a call.

Regards.

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 24 November 2022 14:36
To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

This is fine, we just need to incorporate the bullet below into this one so it's all still there and to make clear it's the land for the school that the development is responsible for and not the school's construction as outlined as one of the promoter's concerns last week, have done that in the attached.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [redacted] | nicholas.abrahams@kent.gov.uk | www.kent.gov.uk

PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>
Sent: 22 November 2022 19:44
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Nick,

Have duplicated point 13 into phase 1 as requested, per attached. Can you confirm you are happy with this please as this is obviously getting urgent now and we need to sign the SoCG.

Kind regards

Phil

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 22 November 2022 17:09
To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

Policy LPRSP5(B) has never been agreed by KCC with regards to Education, the words in italics below from my email this morning were our representations regarding it from December 2021, these raised strong concerns, these also included *"At present, KCC also raises concern that some of the proposed policies are not adequately robust to ensure the deliverability of the necessary infrastructure and mitigation measures."*. KCC's statements regarding the proposed mods have also been consistent with this.

In the Word doc from the original email in this chain outlining the proposed mods, the alterations and comments regarding New Point 13 have been accepted by MBC. Following our discussion last week we made those changes to provide clarity that there could be flexibility in the timing of the school's delivery (albeit it should be planned for an early delivery) but not that there is any flexibility in whether a school is needed or not. New Point 13 as sent to us in yesterday's 11:06 email reads:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.

As this has been accepted by MBC it's unclear why the wording within the table cannot be consistent with this through the insertion of the word *timing*, as they both form part of proposed policy LPRSP5(B) Invicta Barracks, this would then read:

Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes, including identification of land within the site masterplan for establishment of new all-through school, ***timing*** *subject to confirmation of need.*

This approach would also be consistent with the policy wording for the secondary school at Lenham, which reads:

Secondary school delivery and opening by 700 residential units, subject to ongoing review of timing by Kent County Council

KCC isn't aware of any other options for this essential piece of infrastructure to be delivered on, we raised that as a concern in August when the main mod for New Point 13 read:

Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing

assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.

The KCC statement was:

The allocation of a secondary school site should not be subject to a further review, it should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds doubt that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel; the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption and to the County Council's knowledge no assessment process has been established by the Borough Council.

A new school is so essential to the sustainability of the Plan that it would be unreasonable for KCC to not seek to secure one. Is there a reason why MBC is seeking for the principle that a new school is needed to be reconfirmed at a later date? (albeit the accepted New Point 13 is contradictory to the proposed *subject to confirmation* in the table within the same policy). If that is for some reason essential then KCC could agree to a policy with future reconfirmation only if the mechanism and terms of that confirmation were appropriately set out in a way that removes the risk of the school site not being available when it is needed.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | 03000410058 | [redacted] |
nicholas.abrahams@kent.gov.uk |

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>
Sent: 22 November 2022 09:57
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, we agreed a policy at submission. We could argue that the position at submission prevails but have not.

We are back in hearings today, so limited time.

What if we simply say that the need will be re-confirmed by the education authority as part of the process around identification and transfer of a site.

If we lose the Annington site we will have no school site in any event, unless you are aware of other options?

Happy to speak at lunchtime.

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 22 November 2022 09:50
To: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

I appreciate the dynamics between the LPA and an individual site promoter but this issue is fundamental to the sustainability of the whole Plan; it's critical that a new secondary school can be established to underpin the Plan. There will not be any capacity for additional secondary pupils arising from the plan without it; additional provision is currently being commissioned to meet a deficit in places from the existing population which is quite challenging to do. It's the largest forecast deficit in the county.

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2021-22 capacity	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)
Maidstone Non-Selective	1,560	-180	-135	-177	-194	-248	-250	-351

I appreciate the logic that having it subject to a future declaration of continuing need means in theory there shouldn't be an issue if there is a need, however that signals that there is a potential a new school may not be needed; whilst timings may alter, the scale of growth proposed means that KCC has been very clear that it will be needed and should be planned for. MBC can assign as much or as little weight to the views of the Local Education Authority as it deems appropriate but KCC cannot agree to wording that undermines its own analysis of a statutory function and secures less than we have been stating is required for over a year.

If the policy were to include a requirement for need to be confirmed it isn't clear which body would determine whether any confirmation was sufficient, valid and on what basis. The wording we're referring to is in the policy for an individual site allocation, in the context of that allocation alone a new secondary school is not required and the timing of a new secondary school will only be partly influenced by the build out of the barracks site. At what point does confirmation need to be confirmed if not now and who arbitrates if there is disagreement or protracted discussions, these would risk the sustainability of the plan. The promoters of the Barracks have made clear throughout that they are resistant to providing a school site; they engaged an education consultant who didn't disagree with KCC's analysis but questioned whether the barracks was the best site for the school given the need for it was likely to be before the site was available; their objection is a commercial one rather than planning. The statement of common ground between MBC and DIO states that DIO's outstanding matters include:

a) Quantum of educational need and provision generated by the proposed circa

1,300 new homes, the proposed location of the education facility within the

site and the requirement for a suitably flexible site allocation policy wording.

There haven't been any changes in KCC's position since submission. It has been entirely consistent about the importance of a secondary school to sustainable growth and the necessity for the school site to be appropriately secured in policy, below is from KCC's Reg 19 response in 2021:

Secondary Education: There are not expected to be any surplus secondary school places in existing schools in the borough to mitigate the increased demand generated by housing growth in the

Plan, so it is therefore imperative that the Plan is supported by additional school places. The spatial distribution of the Plan means that a new secondary school is required at Heathlands. That

school 's capacity would be fully absorbed by pupils from the proposed garden settlement, so it is therefore necessary for additional provision to be provided in addition to a new school at

Heathlands. The ability for existing schools to expand sufficiently to accommodate the need from the Plan is minimal and the establishment of a new secondary school to act as a strategic piece of

infrastructure is required for the Plan to be sustainable. The County Council views the geographic location of Invicta Barracks to be acceptable in broad terms, however it is concerned with regards

to the deliverability of this essential piece of infrastructure. It is currently understood (as of December 2021) that the Barracks is expected to continue as an operational Defence Asset until 2029 and

it is reasonable to assume that the earliest point a secondary school could be established on this site is 2031; although that remains within the Plan Period this may not be early enough. Depending

on the pace of developments within the Plan, the need for establishment of the school could be prior to 2031.

The establishment of a new secondary school to support growth at Heathlands will be necessary, as well as the establishment of a new secondary school within the Maidstone area. It is noted that

the Infrastructure Delivery Plan (IDP) supports this at Invicta Barracks, although the wording of Policy LPRSP5(B) is not definitive regarding the need for a school (see comments below on policy

LPRSP5(B)). The County Council holds concern that, without security that the site for establishment of this school is available at the time that it is needed, there could be insufficient school places

for secondary aged children in the borough.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [redacted] | nicholas.abrahams@kent.gov.uk | www.kent.gov.uk

PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>
Sent: 21 November 2022 15:01
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, I hope you would agree that we have been fairly accommodating in respect of these significant changes in position since submission. We also discussed the need to keep the site promoters on side when we met on Friday, and the **very real** possibility that the DIO could actually choose to drop the Annington site and just promote their own site (they have talked about this on a number of occasions).

We are already going to need difficult conversations with them in relation to the changes to the policy, which they do not really support, and not to leave it subject to confirmation will exacerbate this. There is then a very big chance we throw the proverbial baby out along with its bath water – what about if we say 're-confirmation'.

If the numbers are there then surely this is not an issue?

Phil.

From: Nicholas.Abrahams@kent.gov.uk <Nicholas.Abrahams@kent.gov.uk>
Sent: 21 November 2022 14:08
To: Helen Smith <HelenSmith@Maidstone.gov.uk>
Cc: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Mark Egerton <MarkEgerton@Maidstone.gov.uk>; Francesca.Potter@kent.gov.uk; Claire.Pamberi@kent.gov.uk
Subject: RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Helen

Am I correct in saying the only amendment MBC has made to this version is introduction of '*subject to confirmation of need.*' ?

KCC cannot support this. The need for a new school has been confirmed, it should be viewed as an essential piece of strategic infrastructure needed to support the Local Plan, the need is almost entirely independent of the Invicta Barracks site, the only thing that is subject to any variation would be the appropriate timing rather than the principle.

Thanks,

Nick

NICK ABRAHAMS | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [redacted] | nicholas.abrahams@kent.gov.uk | www.kent.gov.uk

PA: Emma O'Connor | External: 03000417147 | Emma.O'Connor@kent.gov.uk

From: Helen Smith <HelenSmith@Maidstone.gov.uk>
Sent: 21 November 2022 11:06
To: Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>
Cc: Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Mark Egerton <MarkEgerton@Maidstone.gov.uk>
Subject: Proposed modifications - LPRSP5(b) - Invicta Barracks

Dear All,

Ahead of the hearing session later this week, please find attached the proposed modifications to the wording of LPR policy LPRSP5(B) – Invicta Barracks, regarding the provision of land for educational purposes.

Kind regards,

Helen

Helen Smith

Principal Planner (Strategic Planning)

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

t 01622 602065 **w** www.maidstone.gov.uk

Suite 2 Unit 10 Bradburys Court
Lyon Road HARROW Mx HA1 2BY
FROM THE DESK OF STEPHEN CLYNE
Direct Line: 07836 540737

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stephen@efm-ltd.co.uk

NOTE Regarding Kent Response re: Invicta Park Barracks and Secondary School

Second Draft: 27th April 2023

Introduction

This note is drafted in response to the Kent County Council written statement to the Examination Stage of the Maidstone Borough Council Local Plan Review dated 8th March 2023.

In the first instance it is relevant to consider the relevant education legislation and how it impacts on provision.

Legal Background

The Education Act

1 The primary Act is the Education Act 1996, which is: (a) a consolidating Act and (b) an Act amended from time to time by subsequent legislation. Unless otherwise indicated in this paper, all references are to the Education Act 1996 (as amended) – **("EA96")**

2 EA96 (at section 14(1)) states,

> *"A local education authority shall secure that sufficient schools for providing – (a) primary education and (b) secondary education …. are available for their area".*

3 Sections 14(2) to 14(6) go on to explain what is meant by sufficient schools and that it includes implicitly that the requirement is for sufficient school places.

4 Section 14(1) derives directly from s5 Education Act 1870 via s17 Education Act 1921 and s8 Education Act 1944. There have been no material changes over time, merely consolidating legislation, further clarification of the meaning of 'for their area', changes to school leaving ages and changes to terminology from time to time. It is thus a very longstanding target duty for the 'local education authority' (now Education and Children's Services Authority) the County Council as successor to the local school boards. In fact, Section 5 of the 1870 Act summarises the position in the most succinct fashion.

> *"There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as herein-after defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where*

there is an insufficient amount of such accommodation, in this Act referred to as 'public school accommodation,' the deficiency shall be supplied in manner provided by this Act".

5 It is to be noted that the duty given to the County Council is to 'secure sufficient schools'. There is no duty to provide schools. The default position for new schools is that they are Academies or Free Schools. These are independent schools directly funded from the Government. That is the Secretary of State via the Education and Skills Funding Agency which is an executive agency funded by the Department for Education DfE).

6 Section 11 EA96 sets out the Secretary of State's duty in respect of primary, secondary and further education.

(1) The Secretary of State shall exercise his powers in respect of those bodies in respect of public funds which

(a) carry responsibility for securing that the required provision for primary, secondary or further education is made –

(i) in schools, or

(ii) in institutions within the further education sector

7 In summary, where a shortfall in school places is identified by the County Council in its annual School Capacity (SCAP) Return to the DfE, that is not covered by an alternative third-party funding route (e.g. section 106 and/or CIL funding) the Secretary of State provides funding via a mechanism called Basic Need.

8 Completing the Basic Need return to the DfE guidance is quite clear. Any shortfall that is identified includes the child population of new housing when s106 and/or CIL is absent or insufficient to cover the provision.

The pupil forecasts you submit in SCAP should only include expected yields from housing developments that have a high probability of being delivered within the timeframe of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast's timeframe, we expect that development to be present in the relevant planning authority's latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by

reviewing evidence on the site's deliverability and assessing delivery against previous 5 year land supply plans in the relevant planning authority.

The Maidstone Secondary School Pupil Forecasts

9 Prior to 2018, the County Council SCAP returns aggregated the Maidstone secondary schools into a single return. From 2018, the non-selective schools are reported separately from the grammar schools.

10 For 2017, for example, there were 11 schools listed with a capacity 12,919 places. In September 2020 a twelfth school, the School of Science and Technology, opened on New Cut Road. The school has a pupil admission number of 180 and is admitting into Year 7 year on year. Thus, capacity on this basis is 13,819 places plus any sixth form provision at the new school in the future.

11 The 2017 SCAP forecast anticipated pupil numbers rising from actual 11,733 in 2016/2017 to 14,414 pupils in 2023/2024. Indicating a shortfall of 595 places.

12 The 2018 SCAP forecast when non-selective and grammar schools aggregated as per 2017 anticipated pupil numbers rising from actual 11,813 pupils to 16,019 pupils for 2024/2025. Indicating a shortfall of 2,200 pupil places.

13 The latest SCAP return, by the County Council in respect of Maidstone that has been scrutinised and published by the DfE, is derived from the actual pupil numbers in its non-selective secondary schools and separately for its selective (grammar) schools both for 2021/2022. The forecasts cover the period through to the school year 2028/2029.

	Non- Selective		Selective		Total
Year	**Year 7**	**Total**	**Year 7**	**Total**	
2021/22	1454	7842	783	5359	13,201
2022/23	1632	8435	790	5455	13,890
2023/24	1710	8935	818	5530	14,465
2024/25	1665	9316	809	5584	14,900
2025/26	1707	9647	814	5602	15,249
2026/27	1724	9970	815	5596	15,566
2027/28	1778	10214	841	5636	15,850
2028/29	1780	10402	842	5691	16,093
Change	**+326**	**+2560**	**+59**	**+332**	

14 By way of comparison, the three SCAP forecasts mentioned above (there were no forecasts required during the pandemic) show that the actual figure is below that forecast and thus the forecasts are not certain.

Year	2017 forecast	2018 forecast	2022 forecast
2016/17	11733 actual		
2017/18	12026	11813 actual	
2018/19	12305	12332	
2019/20	12660	12905	
2020/21	13057	13511	
2021/22	13472	14111	13,201 actual
2022/23	13932	14752	13,890
2023/24	14414	15481	14,465
2024/25		16019	14,900
2025/26			15,249
2026/27			15,566
2027/28			15,850
2028/29			16,093

15 The County Council identifies, in the DfE published SCAP return, that for the period 2021/2022 any developer contribution via s106/CIL is 'not applicable'. For the period through to 2028/2029 there is zero developer contribution to cover the impact of the rising pupil numbers and consequent shortfall in secondary school pupil places.

16 The conclusion to be drawn from this is that the forecast rising pupil numbers are as a result simple demographic change, no request for developer contributions from new housing and/or new housing where viability precludes developer contribution to mitigate its impact.

17 Thus, the forecast shortfall in places will be covered by the Basic Need allocations in the relevant period.

Sites for New Schools

18 Historically sites for schools were gifted by landowners, in Victorian times, under the School Sites Act 1841 (as amended). Depending upon the status of a proposed new school, different statutory provisions apply. Currently the default position is that all new schools are Academies/Free Schools and the Academies Act 2010 deals with land for academies. (Schedule 1 Academies: Land) The 2010 Act deals

with schemes where the land in question is held by the Local Authority or a School Governing Body, Foundation Body or Trustees.

19 Where no such land exists, the matter is dealt with by LocatED. Its website says:

> *"LocatED is an Arms-Length Body to the Department for Education. It is responsible for buying and developing sites in England to help deliver much needed new school places for thousands of children. Specialist in-house teams provide property expertise to education bodies, local authorities and central government departments to support the provision of education in an efficient school estate."*

20 There are circumstances where landowners continue to provide land for schools. In particular new housing developments, where the scale of development is sufficient to warrant a school in its own right as a mitigation of the impact of the development. Sometimes, where developments in consort are sufficient to warrant a new school, equalisation arrangements either by joint action by the developers or co-ordinated by the Local Authority provide for the provider of the land to be compensated proportionately by the others so that equity prevails.

21 This is recognised by the County Council in its Developer Guide. 4.1.3.

> *Where infrastructure is needed to serve more than one development*[9]*, the land element may be provided by one developer on their site, with other developers making a capital contribution towards it. Developers will need to work together to agree a proportionate approach to their contribution. Each development will be considered on a site-by-site basis*.[9] For example, where several sites have been grouped together under one strategic allocation within the local plan.

KCC Document Matter 6 from paragraph 9.9.6

22 At paragraphs 9.9.6 and 9.9.7 the County Council asserts the commissioning need to establish a new secondary school within Maidstone from 2027 to 2030. It ignores that it is the Regional Commissioner not the County Council that commissions new Academies/Free Schools though it is the County Council, amongst others, that can trigger the process.

23 At paragraph 9.9.10 the County Council criticises the Inspector's letter of 11th January 2023 at Paragraph 5.31 where it considers the proposed policy for Invicta Park Barracks (Policy LPRSP5(b)) but this criticism is without foundation.

24 The Invicta Park Barracks site has the potential for circa 1,300 new homes which is not sufficient to warrant a secondary school which the County Council anticipates is circa 5,000 new family homes that justifies an 1,100-place school, the average size of a Maidstone secondary school in January 2022.

25 Thus the Inspector is correct to conclude at 9.9.8.

> *The capacity of the wider site is also affected by the potential to deliver a new through-school including additional secondary school capacity to potentially support this site but mainly for the benefit of other development in the town.*

26 Because a secondary school at Invicta Barracks would in the main serve other areas, in accordance with the County Council's own guidance, the site would have to be acquired. This, either by the County Council on behalf of other developments or by LocatED for an Academy/Free School if to serve demographic growth or a Free School agenda. For this reason alone, the value of the land has to be determined. Part III Land Compensation Act 1961 requires the LPA to certify the alternative use. This is delivered by the Inspector's second paragraph at 9.9.8.

27 The County Council is wrong at its Paragraph 9.9.10. As with all forecasts they are not very good at identifying future need with any degree of certainty. Paragraph 14 (above) makes this plain in respect of forecasting secondary school pupil numbers in Maidstone.

28 The County Council asserts at its 9.9.13 that the secondary school for Maidstone may need to open by 2027. That is September 2027, fully fitted out and operational. To achieve this, the school would need to be practically complete by June 2027 which would require a process starting four years earlier.

29 Not only is this timeframe difficult, but the Invicta Barracks are also not due to be vacated and available for redevelopment until 2029.

30 The County Council's proposal at 9.9.17 is unachievable and thus cannot be adopted.

31 The Borough's proposed modification at 9.9.14 is a reasonable proposal. Bearing mind that any site needs to be purchased at its market value.

Growth, Environment & Transport

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13 November 2023

Strategic Planning
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

BY EMAIL ONLY

Dear Sir / Madam,

Re: Maidstone Local Plan Review Main Modifications Consultation following Examination

Thank you for consulting Kent County Council (the County Council) on the Maidstone Local Plan Review Main Modifications Consultation following the Examination. The County Council has reviewed the consultation documents and makes the following representations:

Highways and Transportation

Kent County Council, as Local Highway Authority, welcomes the opportunity to comment on Maidstone Borough Council's proposed main modifications to the Maidstone Local Plan Review.

It is recognised that the main modifications have sought to address many of the transport-related points raised by the County Council during the Stage 2 Hearing sessions and subsequent officer-led discussions.

There are several residual matters however, where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. These are outlined below.

MM11: Policy LPRSP2

The road corridors now referenced in part (d) (i) of section (3) of Policy LPRSP2 should also include A274 Sutton Road, given that the criteria supporting Policies H1 (27) and H1 (28) specifically require junction and capacity improvements at that location.

MM15: Policy LPRSP4(A) Heathlands

The Borough Council's modified phasing timetable indicates that the north-west access onto the A20 will be delivered in Phase 2. This implies that Phase 1, comprising 1,310 homes and a local centre, will be served via a single point of access, defined as the north-east access onto the A20.

The Kent Design Guide[1] provides Local Planning Authorities with advice on the design parameters associated with different road functions. The highest category road, a Local Distributor Road, is defined as suitable to serve 300 or more homes. A scale of development substantially larger than the 300 homes specified in the Kent Design Guide will ordinarily warrant a second point of access. The County Council therefore requires an amendment to the policy to require the north-west access onto the A20 in addition to the north-east access to be delivered in Phase 1.

This will achieve a higher degree of network resilience commensurate with the scale of development being served directly via the A20. The availability of two accesses onto the A20 will also facilitate a more efficient route for the diversion of bus services through the site, which the policy identifies will take place in Phase 1.

It is of note that the Borough Council's proposed modifications to the phasing timetable in LPRSA4(A) will result in a larger scale of development being delivered ahead of key public transport improvements. The delivery of the rail station and bus diversions are now programmed at 1,310 homes rather than the 629 homes previously indicated in ED59. The bus links to the District Centre and neighbouring villages are also now programmed at 3,758 homes rather than the 2,675 homes specified in ED59.

This represents a significant weakening of the policy and is inconsistent with the emphasis placed on prioritising public transport within paragraphs 110 and 112 of the National Planning Policy Framework. It also reduces the scope for sustainable travel behaviours to be encouraged at the earliest possible stage.

The County Council is unaware of any evidence that justifies a delay to the delivery of these key elements of transport infrastructure. It therefore remains imperative that Policy LPRSA4(A) minimises the number of homes completed in advance of the necessary infrastructure being delivered, as had previously been indicated in ED59.

When viewed alongside the Infrastructure Delivery Plan (IDP) dated June 2023 (ED126), modified policy LPRSA4(A) lacks clarity and consistency in how it refers to bus diversions connecting to Lenham and Charing in Phase 1 and bus links to the District Centre and neighbouring villages in Phase 3. The policy is not fully synchronised with items HTLPR4, HTLPR5 and HTLPR6 of the IDP, which specify how all components of the bus service provision should be delivered within a 2037 timeframe equivalent to Phase 1. These include shuttle bus and school bus services that are not explicitly referred to within the policy.

[1] Kent Design Guide (2005, Kent County Council)

Furthermore, the County Council considers it to be essential that the District Centre is made accessible to new and existing communities by public transport at the earliest opportunity. Modified policy LPRSA4(A) indicates that the District Centre will be completed in Phase 2 and that the bus links serving it will be delivered in Phase 3. This misses the opportunity to enable trips by public transport from the outset.

Policy LPRSA4(A) requires amendment to ensure it is fully aligned with the IDP. It should require the bus diversions and links, including the shuttle and school bus services, to be made available in Phase 1 and require the District Centre to be made accessible by bus in conjunction with its completion in Phase 2.

MM16: Policy PLRSP4(B) Lidsing

The additional paragraphs to be inserted after paragraph 6.77 regarding the Air Quality Mitigation Strategy identify interventions that involve alterations to the road layout and the management of traffic flow on the existing highway network. An amendment is therefore considered necessary to highlight how the Mitigation Strategy should be subject to the approval of Kent County Council as Local Highway Authority, in addition to Maidstone Borough Council and Natural England.

The list of potential mitigations included in the second additional paragraph should also refer to road improvements to encourage use of the strategic highway network as an alternative to minor roads through Bredhurst and Boxley.

In the interest of clarity, section 6 (Transport Connections) part g) of Policy LPRSP4(B) should be modified to outline how the Supplementary Planning Document will include a Transport Assessment that has been prepared in accordance with a scope agreed by Kent County Council and National Highways. It should highlight how the Transport Assessment must identify the required mitigation measures, including how they will be secured and the triggers and timing points for their delivery. This additional content will achieve consistency with that already included in MM15 in respect of LPRSP4(A) on Heathlands.

The bus service serving Boxley and Bredhurst now referenced in section 6 (Transport Connections) part b) ii) of Policy LPRSP4(B) has not been included as an item within the IDP. It is important that the delivery arrangements for the service are identified in the IDP to ensure it is provided at the point it is needed.

Furthermore, the off-site mitigations in Bredhurst and Boxley referred to in Phase 2 of the phasing timetable have not been included as an item within the IDP. It is important that the delivery arrangements for these mitigations are identified in the IDP to ensure that they are provided at the point they are needed.

MM22: Policy LPRSP5(B) Invicta Park Barracks

The modified phasing timetable in Policy LPRSP5(B) indicates that highway mitigations will be completed in Phase 2 of the development. This implies that no highway mitigations will accompany the 500 homes proposed in Phase 1.

The County Council is concerned that the timetable pre-empts the findings of the Transport Assessment that should be prepared in support of the Supplementary Planning Document. This Transport Assessment represents the appropriate means of determining the full scope and timing of all required highway mitigations.

The County Council requires an amendment to Policy LPRSA5(B) to ensure that the requirement for highway mitigations is identified in both Phases 1 and 2 of the phasing timetable, subject to the findings of the Transport Assessment and the Monitor and Manage Strategy. In light of the evidence already available in ED85, the policy should also specify that mitigations will be required on the A249, M2 J3 and M20 J6/J7 in addition to the A229 and Sandling Lane corridors.

MM50: Paragraph 7.79

The additional paragraph to be included after paragraph 7.79 should be amended to confirm how the IDP update will set out an approach to Vision and Validate/Monitor and Manage that has been agreed with the County Council as Local Highway Authority.

MM51: Paragraph 7.82

The Borough Council's modifications have omitted several key junctions on M2 J3 (Blue Bell Hill), M20 J8, M20 J9 and A20 Broadway/Barker Street. These should be referenced as they have already been identified as requiring improvement in support of the planned growth.

MM52: Paragraph 7.83

The additional paragraph to be included after paragraph 7.83 identifies how pooled contributions will be used to deliver transport measures aimed at mitigating cumulative impacts. It is implicit within this approach that contributions would be transferred over to the County Council who, as Local Highway Authority, would then assume responsibility for delivery. This exposes the County Council to the risks of ensuring timely delivery of the mitigation within the available budget.

An amendment to the paragraph is required to highlight how it will be the responsibility of the applicant(s) to fund and deliver any infrastructure that is necessary to support new development. In the case of works on the highway this will be by means of a Section 278 Agreement.

MM56: Policy LPRSP13 Infrastructure Delivery

The Borough Council's modification to section 2) of LPRSP13 should be amended to remove 'where necessary', as Section 278 Agreements will typically form the mechanism used to secure mitigations on the local road network.

Education

Kent County Council, as Local Education Authority, holds a statutory responsibility to ensure there are sufficient school places for residents of Kent. As part of discharging that

responsibility the County Council seeks to work positively and proactively with all Local Planning Authorities within Kent to ensure that Local Plans incorporate sufficient additional education provision where necessary.

It is forecast that the existing number of Year 7 places in the Borough will be insufficient in the future and the County Council is working with schools to establish further places to ensure that every child receives an offer of a school place. The context is such that there is no surplus or 'slack' in secondary education provision and any additional demand for places created through continued housing growth must be mitigated. Without additional provision then any growth within Maidstone Borough is severely constrained. This context was set out to Maidstone Borough Council at Regulation 18 stage of the Local Plan Review within the County Council's response dated 30 September 2019.

The County Council has approached the Maidstone Local Plan Review in the same positive, evidenced and balanced way as all other development plans in the county. However, despite making representations and raising concerns regarding the proposals throughout the process from the first Regulation 18 Consultation onwards, the proposed Local Plan Review, subject to the proposed modifications, does not secure the provision of necessary additional secondary school places.

MM22 LPRSP5(B)

To address matters of effectiveness, he County Council has consistently sought that the Local Plan fully allocates and secures a secondary school site within the Maidstone Town area within policy and ensures that the school site is available when it is needed. The need for the school will be early in the plan period, likely from 2027-2030. The need is strategic and not solely linked to development of the Invicta Barracks; indeed, if the Barracks did not form a proposed housing site in the Local Plan, a new secondary would still be required to mitigate the demand arising from other growth in the Plan.

MBC has proposed a policy for the Barracks site through a main modification which reads:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.

Insertion of the below:

Identification of land for future educational needs and mechanisms for provision to KCC subject to need being established [by 2027]

New School [by 2037]

The indicative framework diagram below will be used to inform the preparation of the SPD for Invicta Barracks and detailed site masterplanning.

Mechanism and Timing of Delivery

The allocation of a secondary school site should not be subject to a further review. It should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds any doubts that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel and the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption but to the County Council's knowledge no assessment process has been established by the Borough Council and the Borough Council does not intend to undertake such a process. The secondary school may need to be open by 2027, however the policy framework only seeks for a secondary school requirement to be 'established' by 2027 and for a school to open by 2037. This is not sufficient or adequate to meet the projected need for additional school places by 2027/2028.

Physical Barriers to Delivery

The County Council has raised concerns that the size and shape of the land identified for the school would not typically be considered appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings, which cannot be squeezed within irregularly sized or shaped sites. Additionally, the area proposed is not currently bare land or considered to be developable; the below shows an aerial view:

Not only is this area made up of steep gradient changes, but it also has on it existing residential development which would require demolition and has a significantly sized area of mature woodland within it. This places doubt on whether the site could ever be used for a school and if it could, whether significant and expensive remediation work would first be required. The Local Plan policy must require this of a developer, it cannot be a cost falling on the County Council. If this land could be remediated it would take time to do so and conflicts with the need for a new school early within the Plan period. The knock-on effects of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's viability assessment to be altered, as all contributing development will carry a greater cost burden, and this has not been reflected within the Borough Council's Infrastructure Delivery Plan (IDP).

The County Council has raised concerns about the appropriateness of this site on multiple occasions; including when first proposed through the Regulation 19 consultation – to which the County Council provided a response on 10 December 2021. The County Council recognises that the Borough Council has chosen not to select an alternative site and therefore the County Council has proactively commissioned independent advice on what measures would be required for the proposed site to accommodate a school and the potential abnormal costs involved. The conclusion of this advice is that significant remediation costs would be associated with the delivery of a school on this site and the site is unlikely to be able to accommodate a secondary school that conforms with the Government's space guidelines. This independent report has previously been shared with the Borough Council (on 31 May 2023), however its conclusions have not been reflected in the Local Plan. It is appended to this submission (Appendix A) and shows an estimated initial cost of £48-60m compared to the IDP's cost estimate of £36m. The viability of the sites contributing to the County Council's higher cost estimates has not been tested.

The cost of providing the new school wholly relates to growth and a mechanism to ensure proportionate contributions are made by contributing developments must be set out in policy; the proposed Local Plan does not set this out.

Previous Representations

It is important to highlight that the County Council has been consistent in all its representations to the Local Plan Review and in informal discussions with the Borough Council.

The need for two new secondary schools to be established was contained within KCC's response to the Regulation 18(2) consultation, 22nd January 2021.

> *The establishment of a new secondary school to support growth at Heathlands will be necessary and a significant amount of work will need to be undertaken to identify how development in and around Maidstone and the Regional Service Centres could be accommodated.* ***This may include the need for an additional secondary school to be established within the Maidstone urban area.***

It is noted that this consultation set out the Borough Council's preferred spatial strategy for development but did not set out the specific quantum of development, specific locations or timing of occupations. Therefore, the County Council was able to highlight the potential need for new schools at that stage and that further information was necessary to assess when such a need would be required.

The Borough Council did not consult on any more developed proposed plans until the Regulation 19 consultation. This was the first consultation where Invicta Barracks was identified as a location for a potential new secondary school. The County Council highlighted concerns regarding deliverability at this first stage and the County Council's response to that consultation on 10th December 2021 is set out below:

Secondary Education: There are not expected to be any surplus secondary school places in existing schools in the borough to mitigate the increased demand generated by housing growth in the Plan, so it is therefore imperative that the Plan is supported by additional school places.

The spatial distribution of the Plan means that a new secondary school is required at Heathlands. That school 's capacity would be fully absorbed by pupils from the proposed garden settlement, so it is therefore necessary for additional provision to be provided in addition to a new school at Heathlands.

The ability for existing schools to expand sufficiently to accommodate the need from the Plan is minimal and the establishment of a new secondary school to act as a strategic piece of infrastructure is required for the Plan to be sustainable. The County Council views the geographic location of Invicta Barracks to be acceptable in broad terms, however it is concerned with regards to the deliverability of this essential piece of infrastructure. It is currently understood (as of December 2021) that the Barracks is expected to continue as an operational Defence Asset until 2029 and it is reasonable to assume that the earliest point a secondary school could be established on this site is 2031; although that remains within the Plan Period this may not be early enough. Depending on the pace of developments within the Plan, the need for establishment of the school could be prior to 2031.

The wording of: 'Ensuring requisite community facilities, including neighbourhood shopping and health facilities in addition to a new all through-school, are delivered where proven necessary and in conjunction with housing;' does not fully secure a site for the essential secondary school as part of the proposal. The County Council considers it reasonable that, as the establishment of a new secondary school is essential to the sustainability and deliverability of the Plan, a greater level of clarity and intent with regards to this piece of infrastructure is reflected in the Plan.

The current position as presented to the County Council raises concerns that there may be barriers to delivery of this infrastructure, which could undermine the effectiveness of the Plan's infrastructure delivery. The Plan should be flexible to deal with changing circumstances, but there currently does not appear to be flexibility within the Plan for this secondary school to be established at an alternative location.

Previous Agreements

County Council officers agreed via email the wording of a Modification to LPRSP5(B) on 22 November 2022 with Maidstone Borough Council representatives. This modification read:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.

This wording was agreed by Phillip Coyne on 22 November 2022 19:44. However, County Council officers were informed that this was not submitted to the Inspector by MBC on the 25th November 2022, the final day of the Hearings. It is unknown why Maidstone Borough Council Officers chose not to make the Inspector aware of this agreement. Details of this email chain have been appended to this response (Appendix B)

Need for Additional School Places

The County Council's Commissioning Plan for Education Provision in Kent is a document updated annually outlining the forecast need for additional places within the County and contains detailed information and data relating to school place need. This Commissioning Plan was submitted to the Examination Library (ED101). Additionally, the County Council is required to submit a statutory return to Government with data on pupil projections, known as the School Capacity Survey (SCAP), which goes through review by the Department for Education before it is approved. These data sets evidence the need for future additional school places in Maidstone and have done so throughout the period the Local Plan was developed prior to submission.

During the examination sessions, Maidstone Borough Council stated that the need for additional secondary school places was not evidenced but it is unclear how it reached this conclusion given the wealth of evidence available.

Below is the 10-year forecast for Year 7 places in Maidstone, demonstrating a forecast deficit in places which is sustained.

Planning Group code	Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
886NS11	NS - Maidstone District	1,560	-20	-148	-129	-160	-195	-241	-288	-320	-257	-238	-199	1,530

Maidstone Borough Council commissioned the same consultancy firm that acts for the promoter of the Barracks allocation to produce a note on school place demand in Maidstone. This document titled: *Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023'* does not challenge the need for a new school in the timelines outlined by KCC. It is our understanding that this document was not submitted to the Examination Library but has been provided at Appendix C.

The EFM report does highlight that the Barracks location may not be available at the time that a new school is needed. This was highlighted to the Borough Council by the County Council when the Barracks was first proposed as a location for the necessary school site. It was also highlighted by EFM Ltd in their capacity acting for the site promoter. Maidstone Borough Council submitted the Plan for Examination in this knowledge.

At examination, it was stated by representatives of Maidstone Borough Council that Kent County Council's forecasts '*are not certain'*. By definition no forecasts are ever certain; however, the County Council's pupil forecasting remains one of the most accurate in the country. Since 2009, the forecasts for pupil place need in Maidstone have been 99.4% accurate (0.6% under forecast). This is detailed below.

It should also be noted that Ms Noler on behalf of Maidstone Borough Council stated at examination *"I don't know how they [KCC] do their forecasting"* and sought to rely on 2018 Office of National Statistics (ONS) projections that do not relate to pupil place planning.

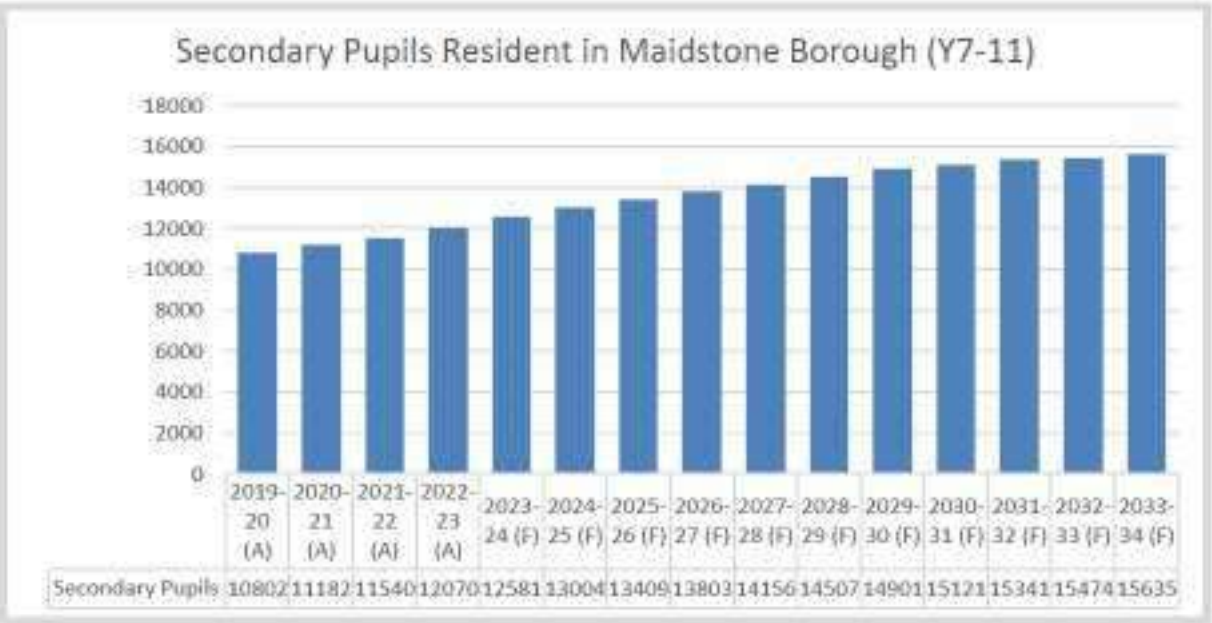
Maidstone

% accuracy	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Actual roll	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
2009 forecast	100.5	100.2	100.0	99.3	97.4									
2010 forecast		99.7	99.5	98.5	97.3	96.5								
2011 forecast			99.9	98.6	97.3	96.4	95.6							
2012 forecast				99.6	98.1	97.1	96.3	95.6						
2013 forecast					98.6	97.6	97.1	96.3	95.8					
2014 forecast						99.8	99.7	99.7	99.5	100.0				
2015 forecast							100.2	100.7	100.6	101.1	101.4			
2016 forecast								100.6	100.6	101.0	101.4	101.6		
2017 forecast									100.8	101.5	101.7	101.8	101.8	
2018 forecast										100.3	100.7	100.9	100.8	100.5
2019 forecast											100.1	99.9	99.5	99.0
2020 forecast												99.3	98.3	97.3
2021 forecast													99.3	98.7
2022 forecast														101.0

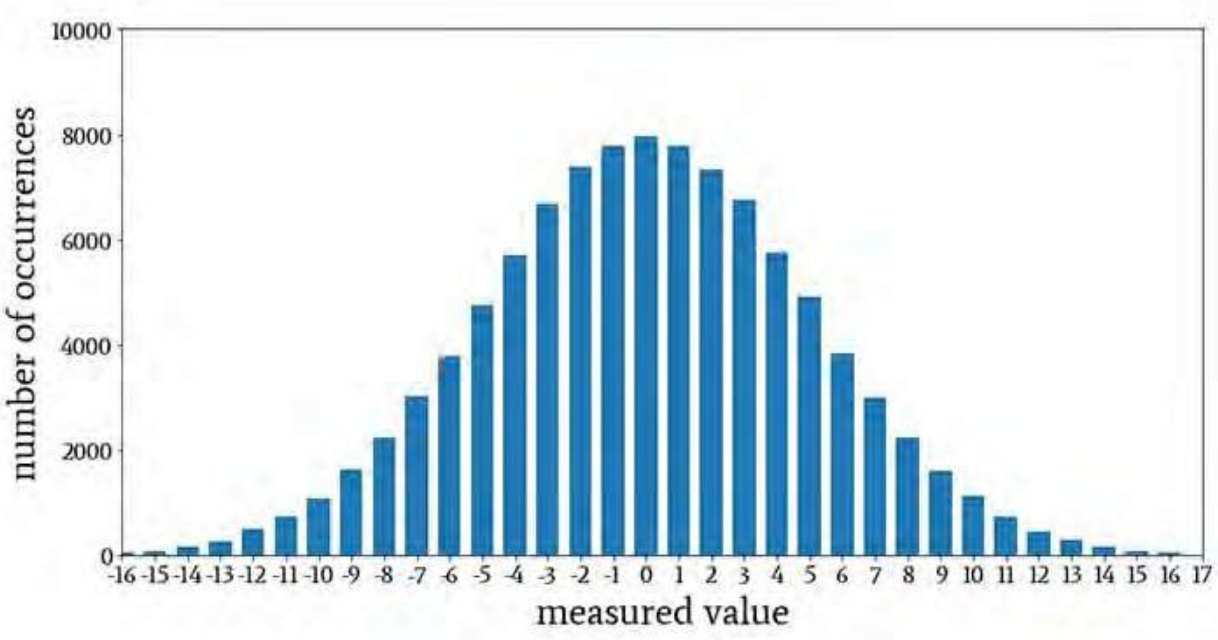
It was also mentioned at examination that the Borough Council viewed the need for school places to be temporary, or a bulge provision. This is incorrect. Bulges in pupil cohorts represent years where there are more pupils than preceding or following cohorts and can be caused by many factors, such as a higher birth rate in one year.

At examination, Ms Thomas KC stated "*You'll also know from Mr Hunter, that there has been this bulge of secondary school pupils coming for quite a long time. It started in the primary system and is working its way through to secondary school, and we know that it's been coming around 2027/28/29*". However, no representative from the Borough Council or the DIO (which Mr Hunter represents) referenced when pupil numbers were expected to decrease after rising, something necessary for the projections to be described as a 'bulge'.

Below is the forecast secondary aged population in Maidstone, this shows a steadily increasing number of pupils each year going forward and does not show a bulge:



A bulge would present as a statistical 'normal distribution' such as below, this contrasts dramatically with that shown above:



Example of what a bulge would look like.

The below table shows the pupil product forecast to be generated by the Borough's housing trajectory. This uses the Trajectory from ED121, Appendix 1, of the Main Modifications.

The table shows the number of secondary pupils directly generated by housing development in each year and the cumulative number of pupils from 2021. This shows that over the life of the Local Plan Review Period, a total of 3,934 pupils are expected to arise from the housing proposed, equal to 26 Forms of Entry of provision. The table also shows that by 2027, up to 10FE of provision is expected to be generated by housing. The County Council proposes to manage this through the expansion of existing schools where possible and the essential commissioning of an additional secondary school to serve the Borough. However, this demonstrates that timing is of critical importance. A pupil yield of 0.2 has been used, in line with the County Council's Developer Contributions Guide

		Housing Trajectory	Expected Secondary School Pupils (Per Year)	Cumulative Secondary School Pupils	Of Which Expected Cumulative Year 7	Cumulative FE (Year 7)
	2021/22	1,157	231.4	231	46	2
Past	**2022/23**	1,000	200	431	86	3
Fu tur	**2023/24**	1,000	200	631	126	4

	2024/25	1,000	200	831	166	6
	2025/26	1,000	200	1031	206	7
	2026/27	1,000	200	1231	246	8
	2027/28	1,000	200	1431	286	10
	2028/29	1,150	230	1661	332	11
	2029/30	1,150	230	1891	378	13
	2030/31	1,150	230	2121	424	14
	2031/32	1,150	230	2351	470	16
	2032/33	1,150	230	2581	516	17
	2033/34	1,352	270.4	2852	570	19
	2034/35	1,352	270.4	3122	624	21
	2035/36	1,352	270.4	3393	679	23
	2036/37	1,353	270.6	3663	733	24
	2037/8	1,353	270.6	3934	787	26

Resulting impact if this matter remains unaddressed

Kent County Council has a statutory duty to ensure a sufficiency of school places under Section 14 of the Education Act 1996. Should the Local Plan Review be adopted in its proposed form then the County Council's ability to meet its statutory duty would be severely diminished and the County Council would be placed at risk of not being able to meet its statutory responsibilities.

Whilst the County Council will endeavour to secure sufficient school places and that those school places required for Maidstone resident children to be located in Maidstone Borough, this cannot be guaranteed due to the proposed policies of the Local Plan Review. A necessary new secondary school could not be established on the timelines it is required due to the policy framework of the Local Plan Review; the new school is wholly necessary as every other opportunity to expand existing schools within the Borough has either been taken or is planned to be taken.

Should the Local Plan Review frustrate the ability for the County Council to create necessary additional school places within the Borough, the result would be that some pupils would likely be allocated surplus places within the areas of the Isle of Sheppey, Folkestone, Deal and Tonbridge and Malling. However, there isn't sufficient forecast surplus capacity across the County to absorb the full deficit and the County Council would be required to commission additional places outside of Maidstone for Maidstone residents. This is absolutely not a situation the County Council would wish to be in. The County Council has and will continue to endeavour to prevent this situation from happening. However, without modification the Local Plan Review may require the County Council to do so as a last resort. This would not represent sustainable growth from an environmental, economic, social or financial perspective and the cost to the taxpayer of providing pupils with transport to schools in excess of 30 miles from their home would (1) represent an unnecessary financial burden on the taxpayer, and (2) may put at risk the performance of other County Council duties.

Heathlands

The development, once fully occupied, would generate a demand for 1,000 secondary school places. This will require the establishment of a new secondary school. There is not expected to be any surplus capacity within existing secondary schools to accommodate these pupils and additional provision will be required to ensure the development is sustainable.

The total development is forecast to generate a pupil need of approximately 7FE; the most suitable strategy for meeting that need has been proposed by the County Council as Local Education Authority as a 1FE expansion of an existing school to establish capacity for the first element of housing, followed by the establishment of a new 6FE secondary school.

The proposed modification currently includes the following:

A new 5 or 6 form entry Secondary School to be provided on site. The timing of delivery of the secondary school will be subject to need, to be agreed in conjunction with Kent County Council.

County Council officers proposed that the error in the size of the school be removed and consistent wording regarding the delivery timescales introduced. The text below was provided to the Borough Council and agreed via email on 22nd November 2022. However, this was not submitted by Maidstone Borough Council to the Inspector. The relevant email chain appended in Appendix B:

A new 6 form of entry Secondary School to be established on site. The timing of delivery and opening of the secondary school will be by the occupation of 700 residential units, such timing to be regularly reviewed by Kent County Council.

The County Council views it essential that the correct size of school is included within Local Plan policy.

1FE of provision through the expansion of an existing school would provide secondary school capacity for approximately 750 dwellings. The Plan should therefore reflect and seek to deliver a framework that would allow the establishment of a new secondary school within the site by this point to ensure sufficiency of education provision for residents. The proposed policy does not do this.

The policy modification states: ‘Secondary education provision delivered as necessary’ within Phase 2 of the development by 2045 once 3,101 units have been occupied. If a secondary school were to be established along these timelines in line with that quantum of development, the delay to establishing a secondary school would lead to insufficient provision for approximately 470 secondary aged pupils for an unknown number of years, for which no school place is currently forecast to be available within the local or wider area.

This approach is not consistent with national policy and would represent unsustainable development. This should be addressed through alteration of the policy to ensure a new secondary school site is integrated and secured within policy and the masterplan for the

development and is available for delivery when it is needed; this has been set out in the County Council's responses to the Borough's consultation process.

Minerals and Waste

MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of 1. Phasing and Delivery paragraph d) – the County Council as Minerals and Waste Planning Authority recommend that reference to the *"Kent Minerals and Waste Plan"* is corrected to Kent Mineral Sites Plan 2020. The County Council notes that this modification aligns with the Statement of Common Ground between Maidstone Borough Council and Kent County Council in respect of Minerals at Chapel Farm (ED65).

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, is generally satisfied that the management of surface water has been considered appropriately within the Local Plan Review.

Within Policy H1 (10) South of Sutton Road, Langley it is stated that consultation is required with Southern Water and the Environment Agency in respect of drainage infrastructure – the County Council request that the County Council is also included as Lead Local Flood Authority. For robustness, the County Council recommends the inclusion of a reference to the need for consultation with the Lead Local Flood Authority in all the individual sub-policies to Policy H1.

Heritage Conservation

MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of section 7) Environment, the County Council welcomes the proposed modifications which will help ensure that development proposals are informed by a comprehensive understanding of the heritage of the area.

MM16: Policy LPRSP4(B) Lidsing Garden Community

In respect of section 7) Environment, the County Council welcomes the proposed modifications in respect of heritage as detailed in part c and f.

MM22: Policy LPRSP5(B) Development at Invicta Barracks

The County Council welcomes the consideration of the significance of the military heritage of the area within part 11 of this policy.

MM45: Paragraphs 7.61 - 7.69

In respect of paragraph 7.67, the County Council is concerned that removing this paragraph will reduce the reader's awareness of the archaeological potential of the Woodcut Farm site. The County Council is surprised that this is being recommended as the modifications MM16 and MM22 introduce paragraphs very similar to that being removed here.

MM75: Policy LPRSA265 Land at Abby Gate Farm, South West of Maidstone

In respect of the proposed amendments to the Design and Layout section, the County Council welcomes the modifications proposed within the 8th and 9th bullet point which broadens the definition of the heritage that should be taken account of and the modifications that should help protect the setting of the heritage assets.

MM100: Policy LPRQ&D5 Conversion of Rural Buildings

The County Council welcomes the requirement to take account of the Kent Farmsteads Guidance.

MM105: Policy LPRENV1 Historic Environment

The County Council welcomes the proposed modification within paragraph 1 of this policy.

In respect of paragraph 3, the County Council welcomes the proposed modification as this will broaden the scope of any heritage assessment.

In respect of paragraph 4, the Couty Council welcomes the proposed modification to include non-designated heritage assets.

The County Council will continue to work closely with the Borough Council to help ensure the appropriate delivery of a sound Local Plan. However, there remains several residual matters where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. The County Council will welcome continued but timely engagement with the Borough Council as Local Planning Authority in addressing the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours faithfully,

[redacted]

Simon Jones
Corporate Director – Growth, Environment and Transport

Enc.

Appendix A: Maidstone Barracks Feasibility Report 31.05.23
Appendix B: Email chain between County Council and Borough Council officers relating to proposed modifications to LPR5(b)
Appendix C: Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023

From: **Derek Murphy, Cabinet Member for Economic Development**

Simon Jones, Corporate Director Growth, Environment and Transport

To: **Growth, Economic Development and Communities Cabinet Committee - 18 January 2024**

Subject: **2023 Community Infrastructure Levy Position**

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: County Wide

Summary: This report is designed to provide a background understanding of the Community Infrastructure Levy (CIL) and the emerging pattern of reduced developer contribution funding secured through this mechanism yet required to mitigate the impacts of growth on County Council infrastructure and services in certain locations.

Recommendation:
The Committee is asked to note the contents of the report and make any recommendations to the Cabinet Member.

1. Introduction

1.1 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008, as a tool for local planning authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Changes were subsequently made to the Community Infrastructure Levy Regulations through the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 which came into force on 1 September 2019.

1.2 Development may be liable for a charge under CIL depending on rates and criteria that the local planning authority i.e. a district, borough or city council has calculated and set in its area.

1.3 New developments that create net additional 'gross internal area' of 100 square metres or more, or create new dwellings, are potentially liable for the levy. The levy is a financial tariff paid at a cost per sq. metre of development. There are however a number of exemptions and reliefs that alleviate or reduce the charges on certain development types or in particular geographical areas.

1.4 Each year all district, borough and county councils are required to produce their Infrastructure Funding Statements (IFS). Authorities should consider the

known and expected infrastructure costs taking into account other possible sources of funding to meet them. This process should help the local planning authority to identify the infrastructure funding gap and a levy funding target.

1.5 This paper should be read in conjunction with the January 2024 GEDCCC 2023 Infrastructure Funding Statement paper.

2. The Five CIL Authorities in Kent

2.1 Developer contributions are secured through the CIL mechanism within five Local Planning Authorities in the county: Canterbury; Dartford; Folkestone and Hythe; Maidstone; and Sevenoaks. In these areas the contributions are collected by the Local Planning Authorities. In the last financial year, of the five CIL authorities, the County Council only received and spent contributions in Folkestone and Hythe.

2.2 Folkestone and Hythe are the only CIL authority that routinely provides KCC with a proportion (35%) of its CIL income, whereas other authorities invite KCC to submit bids to be made towards projects, then determining their success through their own unique internal governance processes. The bidding process required in some areas is particularly resource intensive and due to their competitive nature can often lead to failure and abortive work. Bids are open to all infrastructure providers that can include the County Council, community groups, departments within their own authority or utility providers.

2.3 Taking into context that any of KCC's bids would be to support strategic infrastructure already identified as being necessary through the local plan or planning application processes, the bidding processes is not conducive to securing funding for essential high value statutory infrastructure.

2.4 A percentage of CIL receipts is not available to the County Council for its strategic infrastructure needs. In all instances 5% of CIL can be retained by the Local Planning Authorities for administration purposes. In addition, either 15% or 25% is provided directly to Parished or Non-Parished areas, the higher level being provided to areas with neighbourhood plans in place. The result of the above is that between 70%-80% of CIL should generally be available towards strategic infrastructure.

2.5 In Sevenoaks, unique among the five, governance runs differently from the other authorities, they provide 25% of the CIL income whether there is a neighbourhood plan or not. There are also two different rates for CIL charged across the District so some parish and town councils will receive up to 35% of the CIL income. This means there is less available for the strategic spend.

2.6 The 2019 amendments to the CIL regulations removed the previous restriction on 'pooling' more than five planning obligations towards a single piece of infrastructure. This means that charging authorities can use funds from both CIL and s106 to pay for the same piece of infrastructure, regardless of how many planning applications have already contributed towards it. This amendment recognised the acute challenges of CIL funding, which is widely acknowledged as not being sufficient to meet the various infrastructure requirements that are

needed to make new developments sustainable in planning terms. In practice, however, the approach for using both s106 and CIL in combination is inconsistent across the five authorities, and indeed England.

2.7 Canterbury

2.8 Canterbury is the latest of the five CIL authorities to adopt CIL which they have been charging since 1st April 2020. The City's 2022 Infrastructure Funding Statement demonstrated a total retained CIL pot of £312,909 as at March 2022. The authority do not currently have any governance mechanism in place that allows for the County Council to access funds for strategic infrastructure.

2.9 The adopted 2017 Local Plan allows for all strategic sites to be dealt with through the s106 system with only the minor sites being reliant on CIL. However, most of those sites now have planning permissions and without a new local plan in place, it is uncertain as to how much support there will be for the use of s106 on future applications.

2.10 Dartford

2.11 Dartford was the first authority to introduce CIL in Kent, doing so on 1st April 2014. Dartford's Annual Community Infrastructure Levy Rate Summary 2022 sets out the details of the current CIL Charging rates. The District's 2022 Infrastructure Funding Statement (IFS) demonstrated a total retained CIL pot of £20,243,817, the highest of the CIL authorities within Kent.

2.12 Almost all developer contributions are now collected using CIL and not s106.

2.13 Folkestone and Hythe

2.14 Folkestone & Hythe District Council formally adopted its revised Community Infrastructure Levy (CIL) Charging Schedule on 29 March 2023. The Schedule came into effect on 1 April 2023 and has replaced the CIL Charging Schedule (June 2016). CIL has been operational in the District since the 1st August 2016.

2.15 Folkestone and Hythe CIL policy ensures that KCC receives 35% of their CIL receipts for the previous financial year. In addition to the fixed proportion, their policy also now allows for KCC to secure contributions towards Education through s106 agreements to ensure that sufficient funding is provided for this area.

2.16 The District's 2022 Infrastructure Funding Statement demonstrated a total retained CIL pot of £1,771,242.06 as at March 2022.

2.17 Maidstone

2.18 On 25 October 2017 Maidstone Borough Council formally approved the Community Infrastructure Levy (CIL) charging schedule at full council. It came into effect in the Borough from Monday 1 October 2018.

2.19 The Borough's 2022 Infrastructure Funding Statement demonstrated a total retained CIL pot of £3,173,699. Almost all developer contributions are now collected using CIL and not s106.

2.20 KCC made an application to Maidstone Borough Council for CIL funding in July 2022. Bids were made towards the expansion of the Maidstone Grammar School for Girls (£4,519,310) and a number of highways schemes, (Linton Crossroads, M20 J7 & Hermitage Lane Walking and Cycling improvements) totalling £7,014,731. Over a year after submission of the bids, the Borough Council advised KCC that we had been successful in only one of our bids. The successful bid was for £1.83m towards the upgrade of junction 7 of the M20 and all other bids were unsuccessful. The County Council will attempt to secure other funding opportunities as well as seek to work with the Borough Council to improve the rating of the failed bids. The £1.83m figure is not shown in table 1 below, as this is the provisional total value of the successful bid which is conditional to terms being agreed and is not yet received.

2.21 Sevenoaks

2.22 Sevenoaks District Council has been a CIL charging authority since 4 August 2014. From this date until March 2021.

2.23 The District's 2020 Infrastructure Funding Statement demonstrated a total retained CIL pot of £2,027,780.00 of which there remained £95,251 unallocated. Almost all developer contributions are now collected using CIL and not s106, however the authority has recently agreed with KCC to enter into s106 agreements to towards the costs of Education infrastructure.

2.24 KCC made a successful bid towards Education sports facilities for £1.5m.

3. CIL Income

3.1 Table 1 below shows the picture of CIL funding received by the five CIL authorities since 2015, and up to the end of the financial year in 2022 alongside that passed to KCC. Out of the £42.6 million of CIL received by authorities across the county, KCC has been allocated £2.62 million of the total amount. This is 6.15% of the total CIL income across the county up until the end of 2021 - 22 financial year.

3.2 Costs of KCC infrastructure items can be considerable, a 2FE Primary School being in the region of £10m. New Waste Transfer Stations will also be required in certain areas of the county to process the additional levels of waste produced by development, such facilities have an indicative cost of £13m each. When reviewing the amounts demonstrated in the table below, it becomes immediately apparent that the amounts of CIL being received would

be insufficient to cover the costs of Education alone, let alone the wider impacts on services that KCC provides that should be being mitigated.

District	District CIL Receipts up to 2022 *	County CIL receipts up to 2022	Percentage
Canterbury	£487,982	£0	0
Dartford	£24,430,597	£0	0
Folkestone & Hythe	£2,094,550	£369,681	17.6
Maidstone	£3,300,062	£0	0
Sevenoaks	£12,300,000(approx.)	£ 2,250,000	
Total	£42,613,161	£2,619,681	6

Table 1 – CIL funding received by Kent Charging Authorities
*Information taken from Local Authority Infrastructure Funding Statements

3.3 To demonstrate the point further, Table 2 below provides information on the overall amounts received by KCC through CIL to date against the amounts KCC require to mitigate the cumulative impacts of the planning applications received as recorded on our database. This shows the levels of funding that KCC should be seeking from the LPA CIL pots. The tables can be used to gain an insight into the potential funding gaps emerging in each authority.

3.4 To a degree the table is comparable to the s106 KPI on developer contributions sought through s106 agreements, for which the service reported a success rate of 99.6% of mitigation secured against mitigation requested. Clearly the rate of secured CIL receipts against that requested, at 7.6% in CIL areas, is significantly lower.

	CIL received by KCC since CIL commenced	Total KCC CIL mitigation requested from planning applications
Canterbury	£0	£2,714,039.80
Dartford	£0	£2,267,755.96
Folkestone & Hythe	£933,735	£8,914,789.90

3.5

Maidstone	£0	£11,182,201.87
Sevenoaks	£2,250,000	£16,407,423.80

Table 2 – CIL funding received by the County Council V KCC mitigation required.

3.6 Whilst the figures above are helpful there are other factors to be considered. Of the money received from Sevenoaks £750,000 went towards a jointly co-ordinated project to improve Swanley Station, so not directly mitigating impacts on a KCC service. The remaining £1.5m Sevenoaks CIL was towards a £3.7 million scheme for the creation of new playing fields and other sports facilities on the joint campus occupied by Trinity School, Weald of Kent Grammar School and Tunbridge Wells Boys Grammar School. The now completed project has substantially augmented, modernised and improved the existing sports facilities on the campus. The new facilities are also available to local sports clubs, teams, groups and individuals for hire in the evenings and at weekends, when not used by the schools. Sporting facilities are also offered at no-profit or no-cost to visually impaired children through the auspices of the previous owners of the site, the Royal Society for Blind Children (RSBC).

3.7 In Dartford £4.2m CIL is being invested by the Borough on highway improvement schemes through the Kent Thameside Strategic Transport Infrastructure Programme, particularly in and around the town centre.

3.8 CIL income has to date been received in annual blocks and other than in Folkestone and Hythe, is related to projects as opposed to planning applications. It is therefore not possible to directly compare an amount requested from an application, to the level of funding received for that application.

3.9 Therefore the only way to attempt to demonstrate the potential funding gaps is through an annual presentation of a table akin to Table 2 of this report.

3.10 It should also be noted that some authorities do allow for certain KCC areas or types of development to be mitigated by s106 and CIL contributions in combination. Development income can vary year by year depending on multiple factors, relating primarily to the number or size of applications being granted consent and the ability of existing infrastructure to accommodate growth. For instance, current reduced birth rates in some areas result in additional Primary Education infrastructure, or mitigation, not being sought. Other areas such as Ashford have been hit by nutrient neutrality issues which have resulted in a reduction in consents and consequential low s106 values. In Canterbury the consenting of large strategic site applications covered by s106 means that, whilst a CIL authority, KCC is still receiving significant funding through that mechanism.

4. Financial Implications

4.1 The purpose of the main body of this report is to highlight the financial implications of the impacts on KCC services within CIL authorities.

4.2 Whilst KCC continues to secure considerable amounts of s106 at a 99.6% success rate of the mitigation required, there is approximately £38m of unsecured mitigation that may never be realised within the CIL Authorities. This significantly reduces KCC's ability to provide the required levels of mitigation in those areas and will become a financial burden on KCC's budget. The potential loss of income to mitigate the impacts of growth within CIL authorities is significant. KCC service areas have been made aware of the potential implications in CIL areas. Each KCC Service is to make "CIL bids" for funding as and when a policy compliant project is at a suitable point to do so to ensure, as much as possible, that the burden of growth related costs do not impact on the County Council's budget.

5. Legal Implications

5.1 In situations whereby the County Council believes that a Local Planning Authority is allowing planning applications to be consented without providing sufficient levels of mitigation the authority is able to object and if necessary legally challenge planning decisions.

5.2 Importantly KCC's position at recent appeals on the use of combined s106 and CIL, along with the County Council receiving s106 developer contributions directly, rather than via the LPA has been endorsed by the determining planning inspectors.

6. Conclusions

6.1 The picture of the overall emerging loss of CIL funding for the County Council is complex and the full impacts on KCC's infrastructure and services is, to a degree, still emerging. In Canterbury for instance, KCC continues to secure significant amounts of s106 through their existing Local Plan strategic sites policy that allows s106 use for those sites. Folkestone & Hythe and Sevenoaks have recently agreed s106 agreements to cover the costs of mitigating education infrastructure.

6.2 Noting the multiple factors to be considered, it should still remain clear that CIL alone is unable to fund the levels of infrastructure required by a county council. It is also clear that the legislation does allow for s106 and CIL to be used in combination to close any funding gaps otherwise emerging.

6.3 Along with other upper tier authorities across the country, the County Council continues to make appropriate representations in response to Government planning reforms to highlight the issues with the existing national policies on

securing sufficient levels of growth-related mitigation and affordable housing, particularly relating to CIL areas.

6.4 Outputs from the Short Focussed Inquiry on developer contributions and contributions towards the published County Council Networks report on the Levelling Up and Regeneration Bill are examples of how the County Council continues to seek to influence policy, highlighting the shortfalls of the current planning system in respect of mitigating the impacts of growth.

6.5 Ongoing strong partnership working with the CIL districts is imperative so that the limitations of CIL to mitigate impacts of high value infrastructure such as education can be addressed. Steps to reduce funding gaps are best sought through influencing Local Plan or CIL strategy reviews, direct negotiation or working collaboratively to influence national policy.

7. Recommendation

8.1 Recommendation
The Committee is asked to note the contents of the report and make any recommendations to the Cabinet Member.

9. Background Documents

KCC 2023 Infrastructure Funding Statement.

10. Contact Details

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Commissioning Plan for Education Provision in Kent

2024 – 2028

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1. Contact Details

The responsibility for the commissioning, planning and delivery of new school places in Kent is vested in the Director of Education, and the team of four Area Education Officers whose contact details are given below.

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2. Foreword

Welcome to the County Council's Commissioning Plan for Education Provision in Kent 2024-28 (KCP). This is the latest annual update of our five-year rolling Plan. It sets out our plans as Strategic Commissioner of education provision across all types and phases of education.

This Plan builds on the positive achievements of recent years. We have continued to commission new primary, secondary, and special provision to ensure we fulfil our statutory responsibility of ensuring a school place is available for every child, but also our non-statutory commitment to facilitate parental choice. This is not without its challenges, as I outline below.

For September 2023 I am pleased to report that we delivered the following commissioned provision:

- 30 temporary Year R places.
- 5 FE permanent secondary school places and 385 temporary Year 7 places.
- 25 places in special schools or specialist resource provisions.

We could not have achieved this without the support of Headteachers, Governors, and Academy Trusts who have helped us ensure there are sufficient school places while at the same time leading the recovery of their schools from the challenges of the pandemic.

We forecast that between the 2022-23 and 2027-28 academic years, total primary school rolls will reduce by 1,971 pupils and secondary rolls will increase by 5,167 pupils. The profile of change in school rolls will vary across the County with some local areas requiring additional places to meet demand. As new homes are built, and the overall Kent population increases accordingly, further pressures will likely be felt. To meet need in specific localities, and to reflect housing development, for the academic years 2024-25 to 2027-28, 14.8FE of primary provision and 80 temporary Year R places will be needed along with 40.5FE of secondary provision and 330 temporary Year 7 places.

As in previous years, the numbers of pupils identified as requiring a specialist place to meet their educational needs remains a challenge. We will address the need for high quality, sustainable SEN provision within the context of our Safety Valve Agreement with the DfE. Between the academic years 2024-25 and 2027-28, we currently intend to commission 849 additional specialist places.

The sector and the Local Authority are facing new challenges relating to price increases for goods and services and the cost of construction. We will continue to ensure a sufficient supply of places. However, without additional funding, these extra costs may influence the decision-making process around the location and timing of new education provision.

The national direction of travel is towards high quality, inclusive education to be provided through strong families of schools with the capacity to lead rapid and sustainable improvement, provide support for teachers, and deliver effective financial management. We support these principles and encourage those Kent schools not currently benefitting from such collaborative arrangements to explore their options on this journey.

Rory Love OBE, BA (Hons) - Cabinet Member for Education and Skills

3. Executive Summary

3.1. Purpose

The County Council is the Strategic Commissioner of Education Provision in Kent. This Commissioning Plan sets out how we will carry out our responsibility for ensuring there are sufficient high quality places, in the right places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and promote parental preference. The Plan details the expected future need for education provision, thereby enabling parents and education providers to put forward proposals as to how these needs might best be met.

This Plan reflects the dynamic and ongoing process of ensuring there are sufficient places for Kent children in schools, and other provisions. It is subject to regular discussion and consultation with schools, district/borough councils, KCC (Kent County Council) Elected Members, the diocesan authorities, and others. The content of this Plan reflects those discussions and consultations.

3.2. The Kent Context

Kent is a diverse County. It is largely rural with a collection of small towns. Economically our communities differ, with economic advantage generally in the West, and disadvantage concentrated in our coastal communities in the South and East. Early Years education and childcare are predominantly provided by the private and voluntary sectors. Our schools are a mix of maintained and academies and include infant, junior, primary, grammar, wide ability comprehensive, all-through, single sex and faith based. Post-16 opportunities are available through schools, colleges and private training organisations.

3.3. What We Are Seeking to Achieve

Our vision is that every child and young person should go to a good or outstanding early years setting and school, have access to the best teaching, and benefit from schools and other providers working in partnership with each other to share the best practice as they continue to improve. Commissioning education provision from good or better providers can assist in securing this vision. To address the commissioning needs outlined in this Plan we welcome proposals from existing schools, trusts, the three dioceses and new providers; those proposals should be aligned to the commissioning requirements set out in the Plan.

3.4. Principles and Guidelines

The role of the Local Authority is set within a legal framework of statutory duties which are outlined in the relevant sections of the Plan. We also have a set of principles and planning guidelines to help us in our role as the Commissioner of Education Provision (Section 5). It is important that the Local Authority is transparent and clear when making commissioning decisions or assessing the relative merits of any proposals it might receive.

3.5. Kent's Demographic Trends

Information from the Office for National Statistics shows that in 2005 there were 15,613 live births in Kent (excluding Medway). The number of births rose each year up to 2012 when there was a peak in births of 18,147 children. Since this time, birth numbers have fallen to 16,367 in 2022. KCC will continue to monitor this data and forecast its impact over time.

As we have forecast for a number of years the increased number of births until 2012, which required us to add significant primary school places, is now being felt in the secondary sector. Between the 2022-23 and 2027-28 academic years we forecast the secondary school age population resident in Kent will rise by 5,167 pupils.

The number of children on the rolls of Kent schools is driven by the size of the school-aged population in the county but is also influenced by the number of children resident outside of Kent on the rolls of the county's schools, the take-up of state funded school places and other factors such as the pace and type of new housing. Due to these additional factors, a change in the overall school-aged population in the county does not on its own necessarily translate into the same change in the number of children on the rolls of schools in Kent. Additionally, changes in the overall school age population at County or district level do not necessarily mirror changes in population at smaller geographic levels, such as planning groups; these are explored in Section 7.

3.6. Capital Funding

The pressure on the County's Capital Budget continues, particularly as demand for secondary places and for specialist places grows. The cost of delivering school places is currently met from Basic Need grant from the Government, prudential borrowing by the County Council, Section 106 property developer contributions and the Community Infrastructure Levy (CIL). Government funding for 'Basic Need' is allocated on a formula based upon information provided by local authorities concerning forecast numbers of pupils and school capacity.

The Department for Education's (DfE) Free Schools Programme is another way to deliver some of the school provision Kent needs. We have encouraged promoters to submit bids to Waves 13 and 14, with some success, but this programme is not a significant contributor to places overall and does have financial risks.

KCC also secures developer contributions to the capital programme. The budget gap between what is needed for KCC to meet its statutory duties as school place commissioner and what is available is significant. All avenues are being explored to reduce the risks, but inevitably difficult decisions will have to be made to prioritise KCC's investment of the capital budget. The cost of construction has risen considerably since 2020 and is likely to continue during the Plan period. We will continue to manage and mitigate this as far as we are able to, however, pressure from inflation may become a constraint to our commissioning strategy.

3.7. Kent's Forward Plan – Commissioning Summary

Detailed analysis, at district level, of the future need for primary and secondary school places is contained in Section 7 of this Plan. Figures 3a,3b and 3c provide a summary of the need for additional places, both permanent and temporary, identified within the Commissioning Plan:

Figure 3a: Summary of the commissioning proposals for primary schools by district/borough

District	by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
Ashford					4.8FE	2FE
Canterbury	0.5FE		1FE		2FE	
Dartford			1FE	2FE	3FE	
Dover			1FE	1FE	3.3FE	
Folkestone and Hythe						2FE
Gravesham		0.3FE			1FE	
Maidstone	Up to 50 Year R temp place	1FE Up to 30 Year R temp place	1FE	2FE		
Sevenoaks						
Swale		1FE			5.5FE	
Thanet					3FE	2FE
Tonbridge and Malling				1FE		
Tunbridge Wells			2FE			
Totals	**0.5FE** **50 Year R temp places**	**2.3FE** **30 Year R temp places**	**6FE** **0 Year R temp places**	**6FE**	**22.6FE**	**6FE**

Total of 43.4FE of additional provision across the forecast period and up to 80 temporary Year R places

Figure 3b: Summary of the commissioning proposals for secondary schools by planning group

Non-Selective Planning Group	by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
Ashford North		2FE				2FE
Canterbury Coastal			1.5FE			
Dartford and Swanley		6FE		2FE	2FE	
Dover					2FE	
Faversham				1FE		
Gravesham and Longfield	1FE	2FE	1FE	1FE	Up to 30 Year 7 temp places	
Maidstone District	Up to 90 Year 7 temp places	3FE		6FE		
Sevenoaks and Borough Green	Up to 30 Year 7 temp places					
Sittingbourne				6FE		
Selective Planning Group	**by 2024-25**	**by 2025-26**	**by 2026-27**	**by 2027-28**	**Between 2028-31**	**Post 2031**
Canterbury and Faversham				1FE		
Maidstone and Malling				1FE		
North West Kent			6FE			
Thanet	Up to 30 Year 7 temp places	Up to 30 Year 7 temp places	Up to 30 Year 7 temp places	Up to 30 Year 7 temp places		
West Kent			Up to 60 Year 7 temp places	Up to 30 Year 7 temp places		
Total secondary commissioning	**1FE 150 Year 7 temp places**	**13FE 30 Year 7 temp places**	**8.5FE 90 Year 7 temp places**	**18FE 60 Year 7 temp places**	**4FE 30 Year 7 temp places**	**2FE**

Total of 46.5FE across the forecast period and 360 temporary Year 7 places

Figure 3c: Summary of commissioning intentions for specialist provision

District	by 2024-25	by 2025-26	by 2026-27	by 2027-28
Ashford				
Canterbury	9 places		120 places	
Dartford			40 places	
Dover	30 Places			
Folkestone and Hythe	30 Places			
Gravesham				
Maidstone				
Sevenoaks			250 places	
Swale	200 places		40 places	
Thanet		30 Places		
Tonbridge and Malling		50 places		
Tunbridge Wells			50 places	
Totals	**269 places**	**80 places**	**500 places**	**0 places**

A total of 849 permanent places across the planned period

3.8. Special Educational Needs

The LA is responsible for issuing and maintaining Education Health and Care Plans (EHCPs) for children and young people between the ages of 0-25 years. As of January 2023, this totalled 18,930 children and young people with an EHCP in Kent. This is an increase of 1,197 (6.8%) since January 2022. In England, the number of children and young people with EHC plans increased to 517,000, in January 2023, up by 9% from 2022. The number of EHCPs have increased each year since 2010.

In Kent 34% (33.5% in 2022) are educated in mainstream schools (including SRPs), whilst the England figure is 41%. In Kent, 40% of children and young people with EHCPs are educated in a special school (including independent schools) compared to 33.1% nationally.

To ensure the LA is able to provide sustainable high quality provision, the system needs to be realigned and the proportion of children and young people catered for within each provision type brought in line with national figures, so that specialist places are only for those children and young people with the most complex needs. A significant change programme is ongoing to improve mainstream school SEND inclusion capacity so staff are skilled, confident and able to educate and support more children with EHCPs. This realignment will be supported by the inclusive practices within Kent's Countywide Approach to Inclusive Education (CATIE) and will ensure a greater proportion of Kent's children and young people will be supported and achieve their full potential in mainstream schools close to their homes.

To meet the need for specialist places across Kent, including meeting the needs in areas of population growth, a mixture of new special schools, expansions of existing schools and the establishment of satellites and SRPs will be commissioned across Kent. This plan will only reflect a proportion of our commissioning intentions at this stage as the full plan will need to be informed by the review of our continuum of SEND provision, reporting in the first half of 2024.

KCC has developed its first Kent Sufficiency Plan for children and young people with SEND. This first plan is limited in scope due to the need to await the outcomes of the reviews of Special Schools, Specialist Resource Provisions and Early Years Provision, all of which will contribute to a revised SEND Strategy, setting out the direction for the next five years. The outcomes from these reviews and further work to inform KCC's approach to supporting children and young people with Social, Emotional and Mental Health (SEMH) needs, aligned with our approach to Alternative Provision across all twelve of Kent's districts, will inform the revision of the Sufficiency Plan later in 2024.

The Sufficiency Plan will sit under the Commissioning Plan for Education Provision in Kent to inform strategic educational place planning. The purpose of the Sufficiency Plan is to inform and support the Local Authority in its development of strategic place planning for SEND educational provision in the medium to long term.

3.9. Early Education and Childcare

Early Education and Childcare in Kent is available through a large, diverse and constantly shifting market of maintained, private, voluntary, independent and school-run providers, childminders and academies, all of which operate as individual businesses and are therefore subject to market forces.

The annual Childcare Sufficiency Assessment (CSA) shows the supply of, and demand for, early years and childcare provision across the County, including where there might be over supply and particularly a deficit in provision. The percentage of funded three and four year olds accessing a setting within the planning area in which they live can be used to interpret the deficit in each planning area along with qualitative analysis to understand whether the

variation in local take up rates is driven by a preference for particular providers, commuting patterns or a lack of places in the local area.

Across the whole county, there are forecast to be sufficient childcare places for 0-4 year olds. However, the CSA indicates that there are deficits of places in specific planning groups. The Education People's Early Years and Childcare Service will work with providers and potential providers to encourage the establishment of additional provision where it is required.

The supply of Free Entitlement places for two, three and four year olds will be kept under review as planned new housing developments are built and potentially increase the demand for places. Where housing developments are proposed in areas where there is an indicative deficit of places or where the size of a development means that it will require new provision; KCC will engage in discussions with developers to seek funding to provide nursery provision and when a new school is delivered according to the ESFA Baseline Design, a nursery space is now included in the design.

When a new school is delivered according to the ESFA Baseline Design, a nursery space is now included in the design. As new schools are planned, KCC will work with the sponsor to identify early years provision and the most appropriate way to deliver this.

3.10. Post-16 Education and Training in Kent

The KCC review of 16-19 education, Pathways for All is now in its implementation phase. A strategic board, consisting of representatives from parts of the sector, has been appointed and groups have been established to drive forward the recommendations.

The groups are at different stages and new strands of work are likely to be adopted as the Kent context changes. The main overarching focus for the medium term is to develop the board into the forum that promotes collaboration and becomes the strategic leadership for the county. This is in line with government policy of developing a provider-led system. There is a recognition that there are gaps opening for lower achieving and vulnerable learners across the county and that the sector will need to come together to meet this need.

4. What We Are Seeking to Achieve

The Children, Young People and Education Directorate has a clear Mission Statement. This being as follows:

Our aim: Making Kent a county that works for all children.
Our vision: All Kent children feel safe, secure, loved, fulfilled, happy and optimistic.

We will do this by:

- Joining up services to support families at the right time and in the right place;
- Securing the best childcare, education and training opportunities;
- Being the best Corporate Parent, we can be;
- Developing a culture of high aspiration and empathy for children and their families;
- Valuing children and young people's voices and listening to them.

The Commissioning Plan for Education Provision in Kent aims to support the Mission statement through 'securing the best childcare, education and training opportunities.'

Our Principles and Planning Guidelines (Section 6) underpin our commissioning decisions. This is further supported by a suite of key strategies including, but not limited to:

- Early Years and Childcare Strategy 2020-23
- Kent Strategy for SEND 2021-2024
- Strategy for School Improvement; Achieving Excellence 2019 -2020
- Kent 16 to 19 Review - Pathways For All

To this extent we aim to:

- Ensure sufficient good or better school places for all children and young people in Kent.
- Implement the Early Years and Childcare Strategy 2020-23 to ensure we: develop a more integrated approach to early years and childcare provision and services; ensure better continuity of provision and services across the 0-5 year old age range; ensure an increasing number of children are school ready at the end of the Early Years Foundation Stage and mitigate the effect of poverty, inequality and disadvantage through the provision of high quality early education and childcare, including support for parents and carers and narrowing early development achievement gaps.
- Commission more high-quality specialist provision and support for pupils with Autistic Spectrum Disorder, Speech, Language and Communication Needs and Social, Emotional and Mental Health needs in mainstream and special schools.
- Work with schools, colleges, employers and training organisations to deliver the recommendations of the Kent 16 to 19 Review - Pathways For All Review to ensure the post-16 offer meets the requirements of increasing participation and offers a wide range of options which lead to progressive routes towards sustainable further or higher learning, employment with training or employment.
- Ensure all education settings are part of a formal or informal network or "family" of education settings which supports their ongoing development, resilience, and improvement.

5. Principles and Planning Guidelines

In the national policy context, the Local Authority is the Commissioner of Education Provision and providers come from the private, voluntary, charitable and maintained sectors. The role of the Local Authority is set within a legal framework of statutory duties; the duties for each phase or type of education in Kent are shown under the relevant section in this Plan. Within this framework, the Local Authority continues to be the major provider of education by maintaining most Kent schools and it also fulfils the function of "provider of last resort" to ensure new provision is made if no other acceptable new provider comes forward.

Education in Kent is divided into three phases, although there is some overlap between these. These three phases are:

- Early Years: primarily delivered by private, voluntary and independent pre-school providers, accredited child-minders, and schools with maintained nursery classes.
- 4-16 years: "compulsory school age" during which schools are the main providers.
- Post-16: colleges and schools both offer substantial provision, with colleges as the sole provider for young people aged 19-25 years.

The Local Authority also has specific duties in relation to provision for pupils with Special Educational Needs, pupils excluded from school or pupils unable to attend school due to ill health.

5.1. Principles and Guidelines

It is important that the Local Authority is open and transparent in its role as the Strategic Commissioner of Education. To help guide us in this role we abide by clear principles and consider school organisation proposals against our planning guidelines. We stress that planning guidelines are not absolutes, but a starting point for the consideration of proposals.

5.2. Over-Arching Principles

- We will always put the assessed needs of the learners first.
- Every child should have access to a **local**, good or outstanding school, which is appropriate to their needs.
- All education provision in Kent should be financially efficient and viable.
- We will aim to meet the needs and aspirations of the local community.
- We will recognise parental preference.
- We recognise perceptions may differ as to benefits and detrimental impacts of future proposals. We will ensure our consultation processes capture the voice of all communities, but to be supported proposals must demonstrate overall benefit to the whole community.
- The needs of Children in Care and those with SEN and disabilities will be given enhanced consideration in any commissioning decision.
- We will also give priority to organisational changes that create environments better able to meet the needs of other vulnerable children, including those from minority ethnic communities and/or from low income families.
- We will make the most efficient use of resources.
- Any educational provision facing difficulties will be supported and challenged to recover in an efficient and timely manner. Where sufficient progress is not achieved, we will seek to commission alternative provision or another provider.
- If a provision is considered or found to be inadequate by Ofsted, we will seek to commission alternative provision where we and the local community believe this to be the quickest route to provide high quality provision.

- In areas of housing growth, we will require developer contributions to fund or part fund new and additional school provision.
- In areas of high surplus capacity, we will take action to reduce such surplus.[1]

5.3. Planning Guidelines – Primary

- The curriculum is generally delivered in Key Stage specific classes. Therefore, for curriculum viability, primary schools should be able to operate at least four classes.
- We will actively promote opportunities for small primary schools to work together.
- Where possible, planned Published Admission Numbers (PANs) will be multiples of 30, but where this is not possible, multiples of 15 are used.
- We believe all-through primary schools deliver better continuity of learning as the model for primary phase education in Kent. When the opportunity arises, we will seek to amalgamate separate infant and junior schools into a single primary school. However, we will have regard to existing local arrangements and seek to avoid leaving existing schools without links on which they have previously depended.
- At present primary school provision is co-educational, and we anticipate that future arrangements will conform to this pattern.
- Over time we have concluded that a minimum of 2FE provision (420 places) is preferred in terms of the efficient deployment of resources.

5.4. Planning Guidelines – Secondary

- All schools must offer a broad and balanced curriculum and progression pathways for 14-19 year olds either alone, or through robust partnership arrangements.
- PANs for secondary schools will not normally be less than 120 or greater than 360. PANs for secondary schools will normally be multiples of 30.
- Over time we have concluded that the ideal size for the efficient deployment of resources is between 6FE and 8FE.
- Proposals for additional secondary places need to demonstrate a balance between selective and non-selective school places.
- We will encourage the formation of all-aged schools (primary through to secondary) if this is in the interests of the local community.

5.5. Planning Guidelines - Special Educational Needs

- We aim to build capacity in mainstream schools by broadening the skills and special arrangements that can be made within this sector to ensure compliance with the relevant duties under SEN and disability legislation.
- For children and young people for whom mainstream provision is assessed not to be appropriate, we seek to make provision through Kent special schools. For young people aged 16-19 years, provision may be at school or college. For young people who are aged 19-25 years, provision is likely to be college based.
- We will support children and young people to benefit from living within their local community where possible and we will seek to provide them with day places unless residential provision is specifically needed for social care or health reasons. In such cases, agreement to joint placement and support will be sought from the relevant KCC teams or the Health Service. This agreement will be preceded by the relevant health or social care assessments.
- We will reduce the need for children to be transported to schools far away from their local communities by developing local provision to meet need.

[1] Actions might include re-classifying accommodation, removing temporary or unsuitable accommodation, leasing spaces to other users and promoting closures or amalgamations. We recognise that, increasingly, providers will be responsible for making such decisions about the use of their buildings, but we believe we all recognise the economic imperatives for such actions.

5.6. Planning Guidelines - Expansion of Popular Schools and New Provision

- We support diversity in the range of education provision available to children and young people. We recognise that new providers are entering the market, and that parents and communities are able to make free school applications.
- We also recognise that popular schools may wish to expand or be under pressure from the local community to do so.
- As the Strategic Commissioner of Education Provision, we welcome proposals from existing schools and new providers that address the needs identified in this Plan. This includes new provision to meet increased demand and new provision to address concerns about quality.
- In order for us to support any such proposal, they must meet an identified need and should adhere to the planning principles and guidelines set out above.

5.7. Small Schools

KCC defines small schools as 'those schools with fewer than 150 pupils on roll and/or a measured capacity of less than 150 places'. We have over 100 primary schools that fit this criterion.

We value the work of our small schools and recognise the challenges faced. We continue to work with partners to maximise the resilience of small schools to deal with the challenges they face in terms of leadership and management, teaching and learning, and governance and finance so that they can enable their pupils to grow up, learn, develop and achieve, and continue to play a valued role in their communities.

KCC and its partners, in particular the dioceses, will ensure that:

- Support is given to small schools seeking to join appropriate multi-academy trusts, or take other steps on such a pathway.
- All such partners will work closely together to support the protection and maintenance of the distinctive character and ethos of small Church of England schools in future collaborative arrangements.

5.8. Families of Schools

KCC has encouraged schools to work collaboratively together for many years. Such collaborations take many forms in the current education landscape, such as being a church school within Canterbury, Rochester or Southwark's purview, forming a collaboration with neighbouring schools to work jointly on shared school improvement objectives, formally federating or joining a shared schools trust, or academising within a MAT. All have been important in ensuring no school becomes isolated.

The national direction of travel is towards high quality, inclusive education to be provided through families of schools within strong multi-academy trusts. This is underpinned by the ability of strong trusts to deliver rapid and sustainable school improvement, excellent support for teachers and teaching, strategic leadership and governance, and effective financial management. We support these principles and encourage those Kent schools not currently benefitting from such collaborative arrangements to explore their options to join or form a multi-academy trust.

6. Capital Funding

6.1. Introduction

The Local Authority as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools.

The cost of providing additional school places is met from Government Basic Need Grant, prudential borrowing by KCC and developer contributions. It continues to be clear through the County Council's Medium-Term Financial Plan that KCC is not in a position to undertake prudential borrowing to support new provision. To do so would place undue pressure on the revenue budget in what are already challenging times for the Authority. The prospect of having to meet the growth in demand for places through additional borrowing confronts the County Council with a dilemma between delivering its statutory duty on school places and maintaining its financial soundness. Members and officers continue to lobby Ministers and officials within the DfE over this critical issue. Delivery of the additional school places needed in the County will rely more than ever on an appropriate level of funding from Government and securing the maximum possible contribution from housing developers.

6.2. Basic Need

Basic Need funding is allocated by Government on the basis of a comparison of school capacity (not pupil admission numbers) against forecast mainstream pupil numbers from reception year to year 11 uplifted to provide a 2 per cent operating margin. Where capacity is lower than forecast, the DfE provides funding towards the gap.

The allocations for the 2024-25 financial year are based upon the projected need for new places by September 2025 (the start of academic year 2025/26); Kent has been allocated £5,046,624. The 'lumpy' nature of establishing new school provision means that the County Council incurs the majority of the capital costs at the outset of mitigating a forecast place deficit, e.g. expanding a school by a whole FE; whereas the Basic Need formula does not account for this and provides the Council with funding for places in an incremental way over a longer period of time.

6.3. Free Schools Programme

One funding option which can assist with or overcome the challenges of forward funding new schools is the Free Schools programme. We encouraged promoters to submit bids to Waves 13 and 14, with some success. However, as the free school programme has become more restrictive, being targeted to certain geographical areas of the Country in relation to mainstream schools, and of limited number for special schools and alternative provisions, it will not be the answer to all our needs. Additionally, it is not risk free for the Local Authority. Delays in delivery can require the Authority to put in place temporary provision with the resultant unplanned expense.

6.4. Developer Contributions

Each of the 12 districts in Kent are planning significant housing growth, it is essential that this growth is supported by sufficient education provision that is well integrated within the areas of growth and established at the right time. The cost of providing school places in response to housing growth is significant, the County Council seeks developer contributions towards mitigating this cost. Developer contributions for education are secured either through Section 106 (s106) agreements or through the Community Infrastructure Levy (CIL).

S106 agreements are secured from housing developers at the time that planning permission is granted, they are intended to ensure development proposals are acceptable in planning terms.

When securing a s106 agreement KCC will outline the additional impact the development would have on local schools, where we would need to add additional provision in response and the cost of doing so. Whilst district authorities, as the relevant Local Planning Authority, are the decision maker on whether contributions towards education provision should be made or not, once a s106 agreement is in place the housing developer becomes legally obligated to pay KCC contributions at specified points. We will continue to seek developer contributions at every opportunity allowed through legislation and apply funding secured to the most appropriate project in order to mitigate development. Where additional secondary school places are required in order to mitigate development we will seek to secure funding towards both selective and non-selective places on the basis of 25% of the additional demand being within the selective sector; this will not preclude future residents of the development being able to apply for and access a school place in the same way as all other residents in Kent and does not impact the commissioning approach in an area which is based on the forecast need.

Five districts in Kent have adopted CIL, which has largely replaced s106 agreements in those areas. The levy is a tariff-based system where developers are charged a set rate per square metre of development. There is no direct link between the development's impact on local infrastructure and the amount it pays. All CIL funding is paid to the relevant district or borough, which then determines how it will be spent once it is received; there is no funding ring-fenced for education provision and KCC will usually be required to 'bid' to the Borough for a share of the funding. This provides KCC with no security that development charged under CIL will contribute to the cost of new school provision at the time planning permission is granted. Under CIL the amounts collected for community infrastructure are typically lower than could be secured through s106 and the spending of CIL is entirely at the discretion of the District Authority and not KCC, which places the County Council at significant risk moving forward.

The County Council is keen to work with the Government to ensure that reforms to developer contributions are effective in securing the necessary infrastructure to support growth. On 26 October 2023 the Levelling-up and Regeneration Bill that includes the removal of Section 106 and the Community Infrastructure Levy, to be replaced with the Infrastructure Levy, became law. Generally, KCC welcomes the aims of the proposed Infrastructure Levy, but raised concern during the technical consultation on the Bill regarding the implications for the County Council in its role as a key strategic infrastructure provider and the level of funding available.
The Act itself received Royal Assent on the 26th October 2023. However, most of its provisions are not yet in force because they require secondary legislation and this includes the Infrastructure Levy, which does not yet have an appointed commencement date There remains continued uncertainty as to the effects it will have on securing funding towards Education infrastructure given the nature and scope of the reforms.

6.5. Value for Money

In drawing up options for providing additional places, in addition to the Principles and Planning Guidelines set out in Section 5, the Local Authority consider a range of practical issues, such as:

- The condition and suitability of existing premises.
- The ability to expand or alter the premises (including arrangements whilst works progress).
- The works required to expand or alter the premises.
- The estimated capital costs.
- The size and topography of the site.
- Environmental considerations.
- Future proofing.

- Road access to the site, including transport and safety issues.

Kent is committed to securing value for money when providing additional school accommodation, in line with the DfE's baseline designs, and output performance specification. The construction method for new accommodation will be that which is the most appropriate to meet the needs of provision, e.g. temporary or permanent provision and that which represents good value for money.

One of the key benchmarks against which we will be monitoring all Basic Need projects is the 'cost per pupil'. This benchmark divides the construction cost of the project by the number of pupils that the facility will accommodate to provide a project cost per pupil.

This table provides high level findings of a comparison between KCC costs and the National Schools Delivery Cost Benchmark database. KCC's average historic cost of delivering additional places in the primary and secondary phase is higher than the national average. These represent historic average costs (at Q3 2023 prices) and will increase with inflation in line with the cost of construction over time.

A further high level review comparing KCC costs to the National Schools Delivery Cost Benchmark database rebased to Southeast has been carried out. This details that the KCC cost for Primary phase expansion is currently lower than the Southeast average, however New build is slightly higher. The Secondary Phase is showing that both expansion and new build are lower than the Southeast benchmark, sitting between the national and Southeast benchmark.

Figure 6a: Average costs - National and Kent

Primary Education Phase:

Type	National School Delivery Average Costs	National School Delivery Average Costs (South East)	KCC Average Costs
Expansion	£19,425	£21,950	£20,472
New Build	£23,192	£26,207	£26,782

Secondary Education Phase:

Type	National School Delivery Average Costs	National School Delivery Average Costs (South East)	KCC Average Costs
Expansion	£26,717	£30,190	£28,218
New Build	£28,096	£31,749	£29,584

7. Commissioning Statutory School Provision

7.1. Duties to Provide for Ages 4-16 Years

The law requires local authorities to make provision for the education of children from the September following their fourth birthday to the end of the academic year in which their sixteenth birthday falls. Most Kent parents choose to send their children to Kent schools. Some parents choose to educate their children independently, either at independent schools or otherwise than at school (i.e. at home); others will send their children to maintained schools outside Kent (Kent maintained schools also admit some children from other areas). Kent will offer a school place to any resident child aged between 4-16 years.

A minority of young people aged 14-16 years old are offered college placements or alternative curriculum provision, usually through school links. Some children are educated in special schools or non-school forms of special education provision because of their special educational needs.

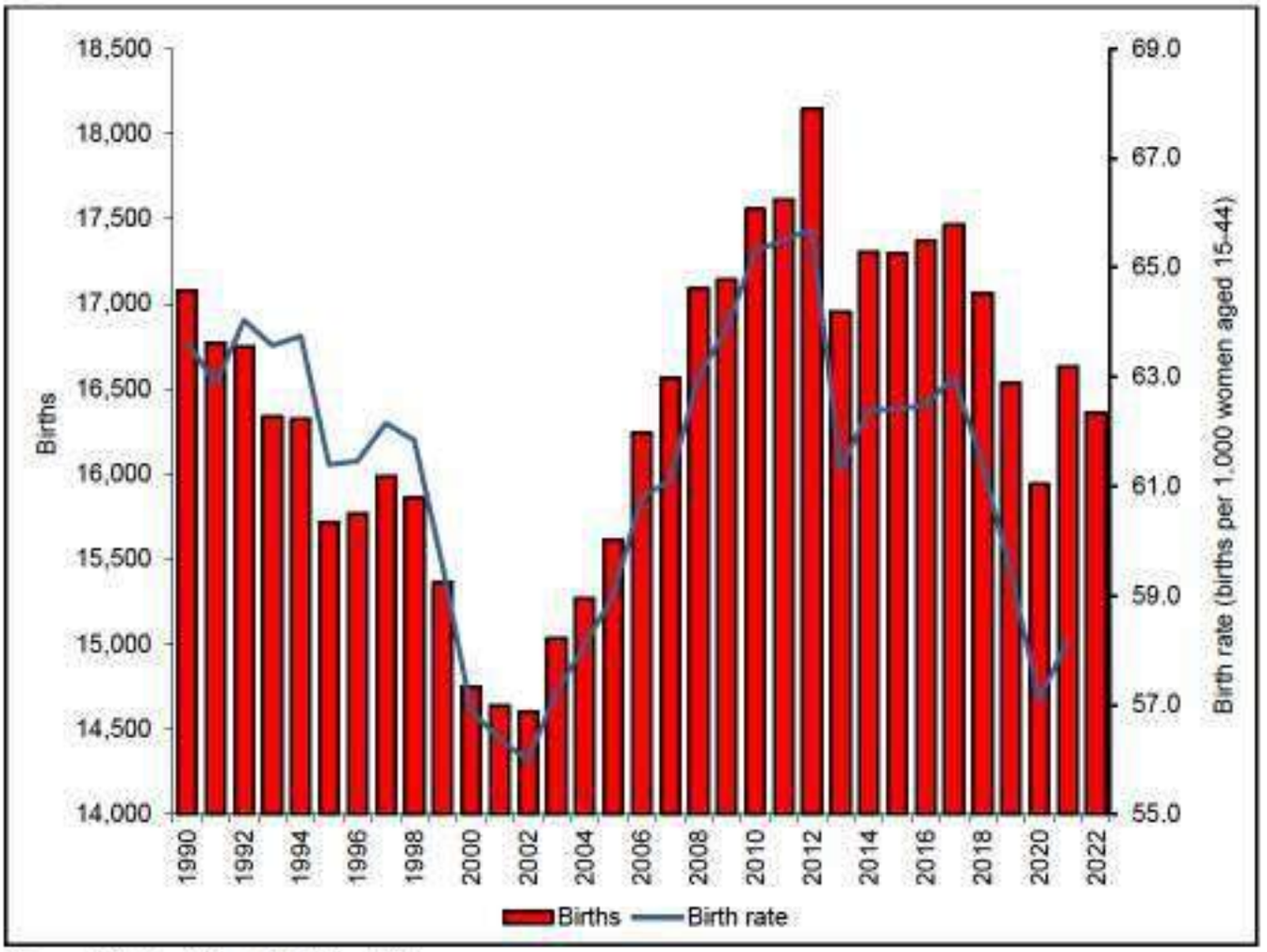
The local authority has a statutory duty to provide full time education for pupils “not in education by reason of illness, exclusion or otherwise” which is appropriate to individual pupil needs. This duty is discharged through pupil referral units, alternative provision commissioned by secondary schools and the Health Needs Education Service.

7.2. Kent-Wide Summary

Detail on the requirement for additional school places is contained in the district/borough commentaries which follow. For 2024-25 and 2025-26 many projects are already in progress. For later years, the need for expansion in planning groups has been noted, but specific schools may not have been identified. For projects beyond 2025 the commissioning proposals may be dependent on the pace of planned housing development being realised. A Countywide summary of the proposals for primary, secondary and SEN school places in each district/borough are set out in Section 3.7.

Figure 7a shows the Kent birth rate and the number of recorded births as published by the Office of National Statistics (ONS). Births recorded by the ONS provide a consistent way of measuring and demonstrating changes in births over the last 30 years; it should be noted that the quantum of school places needed is not solely driven by the number of births and our forecasting takes into account those children resident in the county that were born elsewhere, and the forecast inward migration led by housing growth and other factors. Overall, Kent birth figures indicate a significant fall in the number of births since 2017 but show a slight upturn in 2021 before dropping back slightly in 2022.

Figure 7a: Kent births and birth rates 1990-2022



*Source: Office for National Statistics, 2021

Figure 7b sets out the long-term population forecasts as generated by Kent Analytics. These represent a resident-based forecast of the number of children projected to reside in each district in the relevant periods, incorporating each district's adopted housing plans. These long-term forecasts provide strategic context to the Plan and forecast beyond the period that the more detailed school-based forecasts (included in each District section of this document) can offer.

At a County level, these forecasts suggest that the number of primary aged children will decrease by 2,273 pupils by 2028-29. However, the cohort is then forecast to increase steadily and by 2033-34 the primary aged population will have increased by 918 pupils over the 2023-24 total. The number of secondary aged young people is forecast to rise by 2,712 over the next five years, however by 2038-39 there will be a slight reduction back to around the 2023-24 figure. Whilst in the short and medium term, the forecast is significantly affected by recent and current birth rates, in the long term additional housing growth has greater influence on the total school age population forecasts.

There are distinct differences in the population forecasts between the district/boroughs which need to be considered when making commissioning decisions. For example, both the primary and secondary aged child population in Ashford is expected to rise while in Folkestone and Hythe the school aged population is expected to fall throughout the period.

Figure 7b: Long term population projections by district (KCC Business Intelligence)

	Primary Children Aged 4-11 Years				Secondary Children Aged 11-16 Years			
District	**2023-24**	**2028-29**	**2033-34**	**2038-39**	**2023-24**	**2028-29**	**2033-34**	**2038-39**
Ashford	12,310	12,357	13,141	14,043	9,351	9,863	9,526	9,913
Canterbury	11,569	11,564	12,005	12,542	9,624	9,642	9,311	9,585
Dartford	12,413	12,473	12,227	12,502	8,773	9,477	9,553	9,281
Dover	9,126	8,885	8,902	8,859	7,256	7,372	6,865	6,880
Folkestone and Hythe	8,225	7,909	8,006	8,226	6,546	6,321	5,927	5,957
Gravesham	10,323	10,153	10,232	10,475	7,646	8,034	7,543	7,559
Maidstone	16,205	15,860	16,011	16,420	11,721	12,417	12,047	12,133
Sevenoaks	10,978	10,796	11,446	12,267	8,670	8,720	8,438	8,763
Swale	13,902	13,422	13,484	13,953	10,543	10,731	10,281	10,191
Thanet	11,613	11,374	11,853	12,734	9,148	9,382	8,931	8,956
Tonbridge and Malling	12,293	12,351	12,879	13,460	9,479	9,922	9,785	10,096
Tunbridge Wells	10,092	9,630	9,780	10,306	8,959	8,545	8,096	8,098
Kent	**139,048**	**136,775**	**139,966**	**145,787**	**107,715**	**110,427**	**106,303**	**107,411**

Figure 7c: Housing completions and future housing supply 2001-26

	Completions				Period 2021-26			
District	**2001-06**	**2006-11**	**2011-16**	**2016-21**	**Extant**	**Allocations**	**Total**	**Grand total 2001-26**
Ashford	4,020	2,653	2,484	4,072	3,924	1,807	5,731	18,960
Canterbury	2,662	3,651	2,417	2,338	4,493	621	5,114	16,182
Dartford	2,839	2,423	2,926	4,391	1,629	2,885	4,514	17,093
Dover	1,796	1,507	1,850	2,310	3,300	235	3,535	10,998
Folkestone & Hythe	2,451	1,513	1,286	2,279	2,945	1,368	4,313	11,842
Gravesham	1,283	1,554	1,190	1,150	2,309	0	2,309	7,486
Maidstone	3,232	3,629	3,069	7,193	5,093	0	5,093	22,216
Sevenoaks	1,487	1,363	1,420	1,701	2,022	0	2,022	7,993
Swale	3,196	3,332	2,430	3,445	3,578	1,385	4,963	17,366
Thanet	2,214	3,773	1,750	2,070	3,307	1,715	5,022	14,829
Tonbridge & Malling	3,169	3,358	3,058	3,320	2,878	0	2,878	15,783
Tunbridge Wells	1,790	2,031	1,343	2,855	2,839	148	2,987	11,006
Kent	**30,139**	**30,787**	**25,223**	**37,124**	**38,317**	**10,164**	**48,481**	**171,754**

Source: Housing Information Audit (HIA) 2020-21, Kent Analytics, KCC

Notes:
(1) Housing data relates to financial year (i.e. 2020-21 is the year up to 31st March 2021)
(2) The first four 5-year time periods between 2001-21 show actual housing completions
(3) The period 2021-26 shows expected housing completions (extant permissions and allocations)
(4) No data was provided for Gravesham, Maidstone, Sevenoaks and Tonbridge & Malling allocations

*Completions - Dwellings completed; Extant- Dwellings with planning permission but construction not yet completed; Allocations - Dwellings within an area designated for future housing development but not yet with planning permission

Figure 7c outlines the historic and forecast house building by district/borough. All districts/boroughs are planning for significant house building, each district/borough is at a different stage of adopting their Local Plan, the figures above incorporate housing numbers from adopted Local Plans, not every district currently has a Local Plan covering the period 2026-31, however our school-based forecasts incorporate all consented housing whether that housing was allocated within a Local Plan or not.

Around 6,000 dwellings were built annually in the ten-year period up to 31st March 2011. This reduced to circa 5,000 dwellings per year in period 2011-16. A significant step change in housing completions has been seen since 2016-17 with 37,124 new homes built in the five year period 2016-21, an average of 7,425 new homes in each year. A long-term yearly average of around 9,700 dwellings is anticipated for the period 2021-26.

We need to ensure we are planning for the education infrastructure required. How we plan to provide for new housing is outlined in the individual district/borough sections. It is important to note that additional demand for school places from proposed housing plans that do not yet have planning permission or form part of a Borough's adopted Local Plan are not incorporated within the forecasts presented in Figures 7d to 7i. It is equally important to recognise that while surplus places might exist in districts, these will not always be in the right place to support demand generated by new housing.

7.3. Forecast Pupils in Mainstream Primary/Secondary Schools

For Kent primary schools we have seen a steady rise in the overall number of pupils since 2009-10 to 2019-20, rising from 106,097 to 126,251. However, in 2020-21 the primary total saw a slight drop to 125,939, before increasing to 126,768 in 2021-22 and in 2022-23 to 127,765 that represented an annual increase of 997 and represents an increase in excess of 21% since 2009-10.

Figure 7d provides a breakdown of expected surplus or deficit capacity in Year R by district/borough, across the ten-year period to 2032-33. The forecast indicates that there will be surpluses of places across the county for the Plan Period. However, in the individual district/borough sections we break down the expected surplus/deficit of places into smaller planning groups. This enables us to identify in more detail where and when provision may need to be added or removed.

Figure 7d: School-based surplus/deficit capacity summary (Year R) if No Further Action is Taken

District	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Ashford	1,715	150	297	229	259	267	270	264	258	254	250	249	1,715
Canterbury	1,544	126	120	219	187	206	205	211	219	229	238	248	1,544
Dartford	1,752	137	126	154	130	110	101	103	95	89	82	78	1,755
Dover	1,350	243	264	216	213	196	187	179	174	170	168	165	1,320
Folkestone & Hythe	1,308	237	210	284	275	265	261	259	261	261	263	264	1,278
Gravesham	1,506	171	206	165	181	172	185	194	202	209	214	219	1,506
Maidstone	2,129	53	111	130	161	83	78	78	67	60	56	53	2,149
Sevenoaks	1,517	232	210	288	201	216	213	209	208	210	212	215	1,467
Swale	2,060	248	156	293	302	278	281	278	272	268	265	260	2,010
Thanet	1,680	178	261	260	332	326	327	335	332	336	335	334	1,635
Tonbridge & Malling	1,772	175	220	197	190	227	220	215	204	196	192	191	1,742
Tunbridge Wells	1,296	112	99	105	116	158	161	166	168	170	173	177	1,301
Kent	**19,629**	**2,062**	**2,279**	**2,541**	**2,548**	**2,503**	**2,490**	**2,492**	**2,459**	**2,451**	**2,448**	**2,454**	**19,422**

Source: Management Information, Children, Young People and Education, KCC

The overall number of pupils in Kent secondary schools has risen since 2014-15, from 77,931 pupils to 91,785 in 2022-23, an increase in excess of 17% over an eight-year period. This has been driven by larger Year 6 cohorts entering the secondary sector and demand generated by housing development. We anticipate that the Year 7 rolls continue to increase during the Plan Period. This this level of roll will continue to require significant further investment in the secondary estate to maintain sufficiency of school places and will represent a major challenge to the Council and its commissioning partners in the years to come.

Figures 7e and 7f provides a breakdown of expected surplus or deficit capacity in Year 7 by non-selective and selective planning groups, across the 10-year period to 2033-33. Many of districts/boroughs are showing a need for additional non-selective Year 7 secondary school places at some point in the forecast period. Within the selective sector the forecast (Figure 7f) a similar pattern of deficits of Year 7 places throughout the forecast period for the many of planning groups. In part this has been due to selective schools accepting over PAN for a number of years rather than cohorts growing significantly.

The need for additional places in part can be managed through existing schools increasing the number of places offered on a temporary or permanent bases, but as not all of the pressure can be managed this way, there will be a need for new schools or satellites of existing schools. The individual district/borough sections break down the expected surplus/deficit of places into smaller planning groups based on pupil travel to learn patterns for both selective and non-selective. This enables us to identify in more detail where and when provision may be needed.

Figure 7e: Non-selective school-based surplus/deficit capacity summary (Year 7) if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Ashford North	870	0	-32	-40	70	17	20	10	25	144	108	130	938
Canterbury City	710	57	26	19	15	-14	-50	-41	-55	-70	-54	-78	680
Canterbury Coastal	618	-11	-58	-2	16	-1	-14	21	-6	2	75	74	618
Tenterden and Cranbrook	390	46	-16	13	-1	-22	-31	-30	-39	-37	-52	-42	360
Dartford and Swanley	1,260	11	16	36	-2	-15	-34	-100	-45	-65	-25	-52	1,260
Dover	500	76	26	-5	-3	-18	-21	-8	20	27	41	45	420
Deal and Sandwich	435	19	5	-2	16	21	12	11	16	40	27	31	435
Folkestone and Hythe	625	21	-15	-14	34	43	14	36	79	56	122	115	625
Faversham	210	34	7	1	12	13	-27	-13	-10	-42	-12	-28	210
Gravesham and Longfield	1,340	38	-96	-27	-82	-119	-136	-143	-96	-62	-79	-89	1,340
Maidstone District	1,560	-20	-148	-129	-160	-195	-241	-288	-320	-257	-238	-199	1,530
Malling	543	65	66	54	80	86	50	69	77	70	54	79	543
Romney Marsh	180	-15	-19	-22	-15	3	1	-20	-6	7	13	18	180
Sevenoaks and Borough Green	585	-20	6	-22	40	8	23	31	38	46	79	38	630
Isle of Sheppey	390	130	89	78	105	108	112	105	107	110	136	155	390
Sittingbourne	810	-26	-123	-93	-118	-75	-160	-121	-94	-136	-44	-40	765
Thanet District	1,159	2	-21	-22	-30	-23	-34	-10	-19	86	89	139	1,099
Tonbridge and Tunbridge Wells	1,584	58	16	96	88	25	53	34	20	71	105	81	1,584
Kent	**13,769**	**465**	**-271**	**-81**	**63**	**-158**	**-464**	**-458**	**-308**	**-11**	**344**	**377**	**13,607**

Source: Management Information, Children, Young People and Education, KCC

Figure 7f: Selective school-based surplus/deficit capacity summary (Year 7) if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Ashford	420	26	-3	3	5	-12	-16	-20	-19	14	-4	4	420
Canterbury and Faversham	615	-29	14	19	33	16	-24	-2	-11	-27	18	-3	645
North West Kent	720	-3	-19	-8	-22	-33	-36	-57	-37	-40	-15	-20	720
Dover District	440	35	5	5	20	6	8	1	24	41	47	49	440
Folkestone and Hythe District	330	-26	33	34	31	30	33	30	31	30	34	31	330
Gravesham and Longfield	420	-18	-66	-39	-62	-72	-79	-82	-70	-60	-67	-71	420
Sittingbourne and Sheppey	300	30	-24	8	7	21	-4	13	12	4	36	39	300
Thanet District	345	-7	-2	8	6	8	4	15	9	20	24	35	345
Maidstone and Malling	785	9	13	18	12	5	-22	-33	-44	-27	-30	-9	815
West Kent	1,265	-26	-48	-22	-7	-53	-40	-29	-6	5	70	51	1,235
Cranbrook	60	0	22	25	31	26	18	19	18	16	17	10	90
Kent	**5,700**	**-9**	**-74**	**52**	**53**	**-57**	**-158**	**-146**	**-94**	**-23**	**129**	**116**	**5,760**

Source: Management Information, Children, Young People and Education, KCC

7.4. Travel to School Flows

Figures 7g and 7h outline the travel to school flows for selective and non-selective provision in Kent districts. There are big differences between both the scale of travel to school flows and the direction of flows between districts; for example, Sevenoaks has a net outflow of circa 3,400 pupils across the selective and non-selective sectors combined (excluding out of county pupils), whereas Maidstone has a net inflow of over 850 pupils. Dartford had the highest number of out of county pupils with over 1,500 traveling from adjacent boroughs. Tunbridge Wells has a high flow of pupils into the District particularly to access both non-selective denominational provision and selective provision. Tonbridge and Malling has high flows into and out of the District for both selective and non-selective provision.

Figure 7g: Travel to school flows for non-selective pupils (years 7-11) in Kent mainstream schools (Autumn 2022)

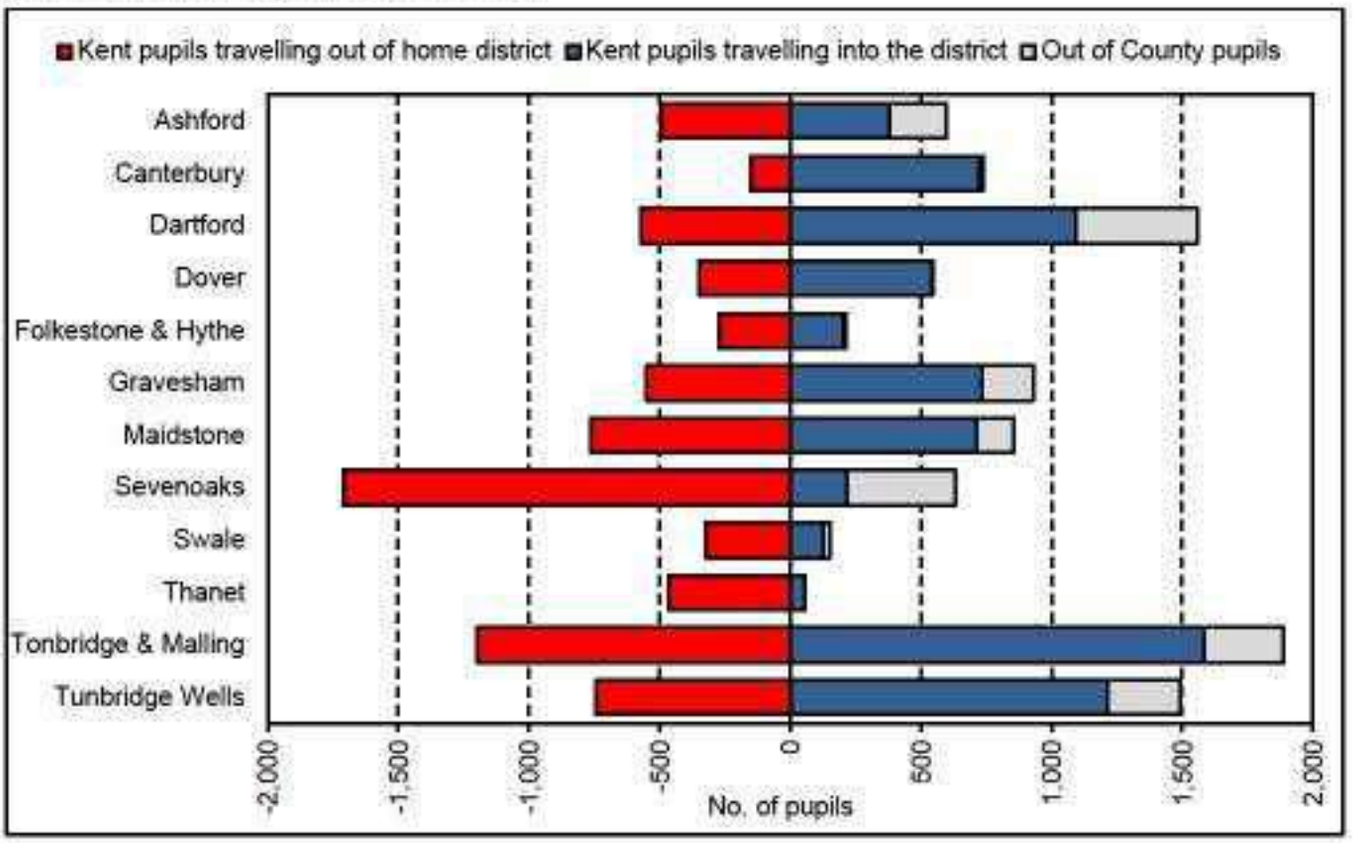
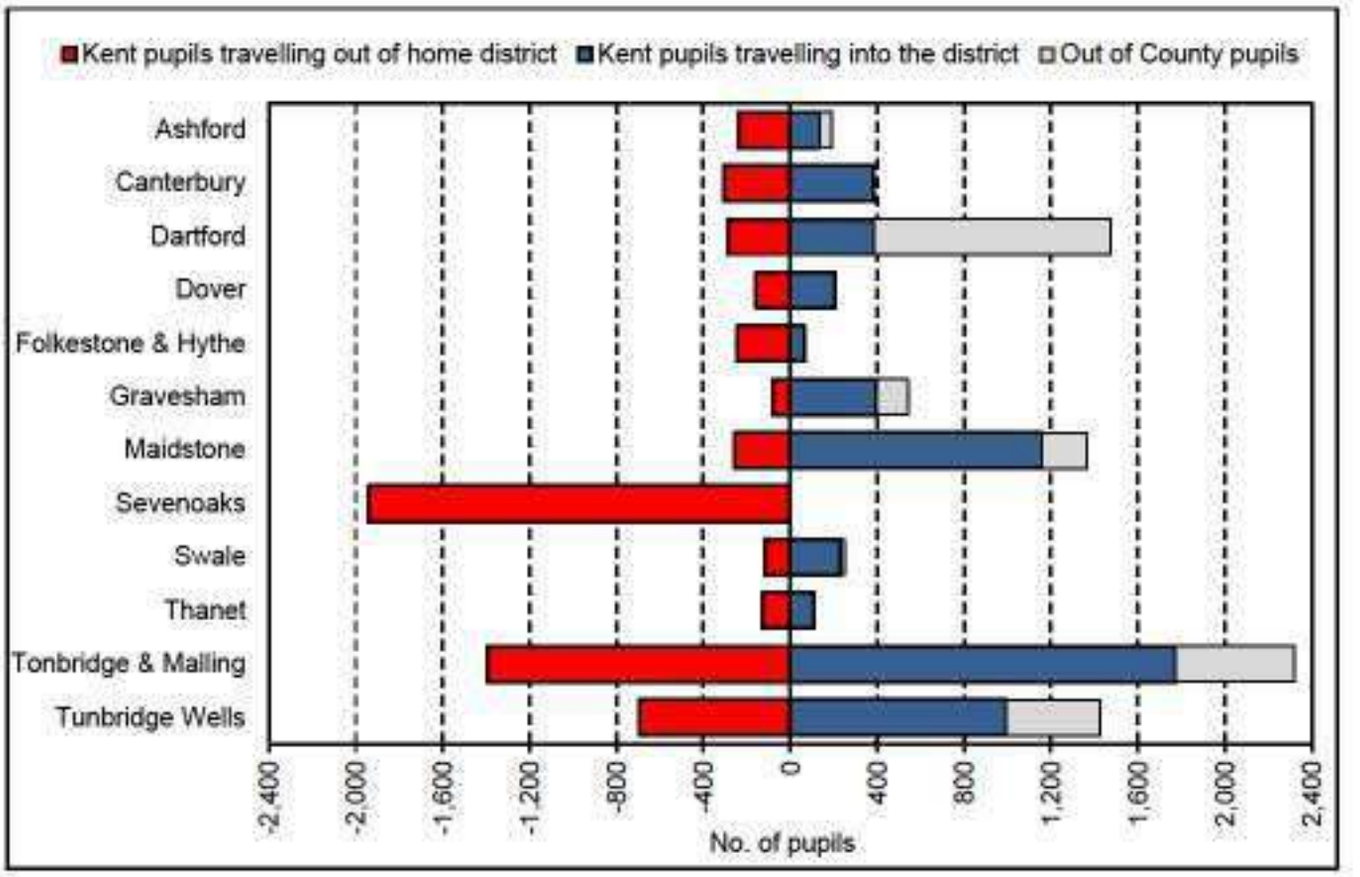


Figure 7h: Travel to school flows for selective grammar pupils (years 7-11) in Kent mainstream schools (Autumn 2022)



Source: Management Information and Intelligence, Children, Young People and Education, KCC
Notes:
(1) Actual roll data 2022-23 - Schools Census, Autumn 2022
(2) Data excludes Duke of York's Royal Military School, Dover
(3) The Sevenoaks Annex of Weald of Kent Grammar School is treated as being located in Tonbridge and Malling and the Tunbridge Wells Grammar School for Boys is treated as being located in Tunbridge Wells.

7.5. Migration into Kent

Figure 7i sets out the net migration by pre-school, primary school and secondary school ages for 2019 and 2020. This shows that there was a significant decline in net migration of school-age children to Kent; this includes three months of the Covid crisis where families may have put planned moves on (temporary) hold from the start of the pandemic in mid-March 2020 to end June 2020.

Figure 7i: Pre-school (0-3 year olds), primary (4-10 year olds) and secondary aged (11-15 year olds) net migration year ending 30th June 2020

	2019				2020			
District	Kent districts*	London	Elsewhere	Total	Kent districts*	London	Elsewhere	Total
Pre-school	46	1,420	-368	1,098	67	1,051	-252	865
Primary	133	2,017	-408	1,742	67	1,576	-326	1,317
Secondary	22	956	-122	856	62	815	-127	750

*Including Medway
Source: Office for National Statistics, Table IM2018-20

Across the County as a whole, any fluctuation in migration may only have a small proportional impact on pupil numbers. However, at a district/borough level the fluctuation from one year to the next can be significant requiring the LA to respond swiftly to ensure sufficient school places.

8. Commissioning Statutory School Provision by Districts

8.1. Ashford

Borough Commentary

- The birth rate in Ashford (2021) has continued on a downward trend since 2017, at a greater rate than both the County and national averages. The number of recorded births (2022) has risen by 26 births but is still 130 births below the last high point in 2017.

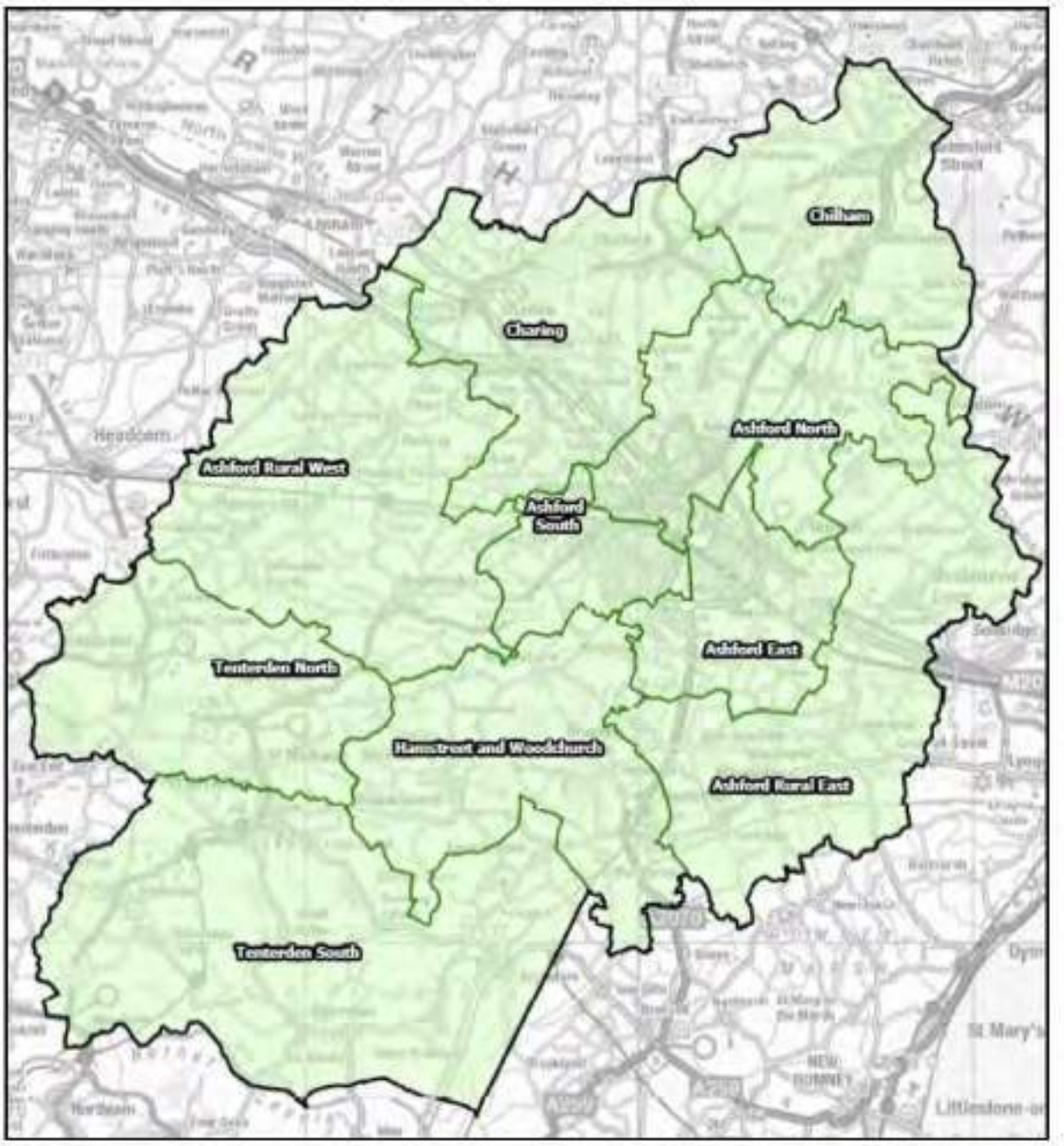
- We forecast an increasing surplus of primary school places across the District throughout the Plan period, although housebuilding will create some localised pressures which may need to be addressed.

- The opening of Chilmington Green Secondary School off-site from September 2023 added a further 120 places into the system. This alongside the additional places offered in existing secondary schools ensured sufficient Year 7 places across the Borough for September 2023.

- Once Chilmington Green locates onto the permanent site, 180 places will be offered. This will ensure sufficient secondary school places across the Ashford North non-selective planning group which has been under pressure.

- The Local Plan (up to 2030) was adopted in the first quarter of 2019. Within the Plan, the Borough Council have identified that up to 13,544 new homes could be delivered by 2030. This equates to an average of 1,129 new homes per annum. During the period 2011/12 to 2020/21 an average of 647 homes were completed per annum (Kent Analytics Statistical Bulletin May 2023).

Map of the Ashford Borough primary planning groups



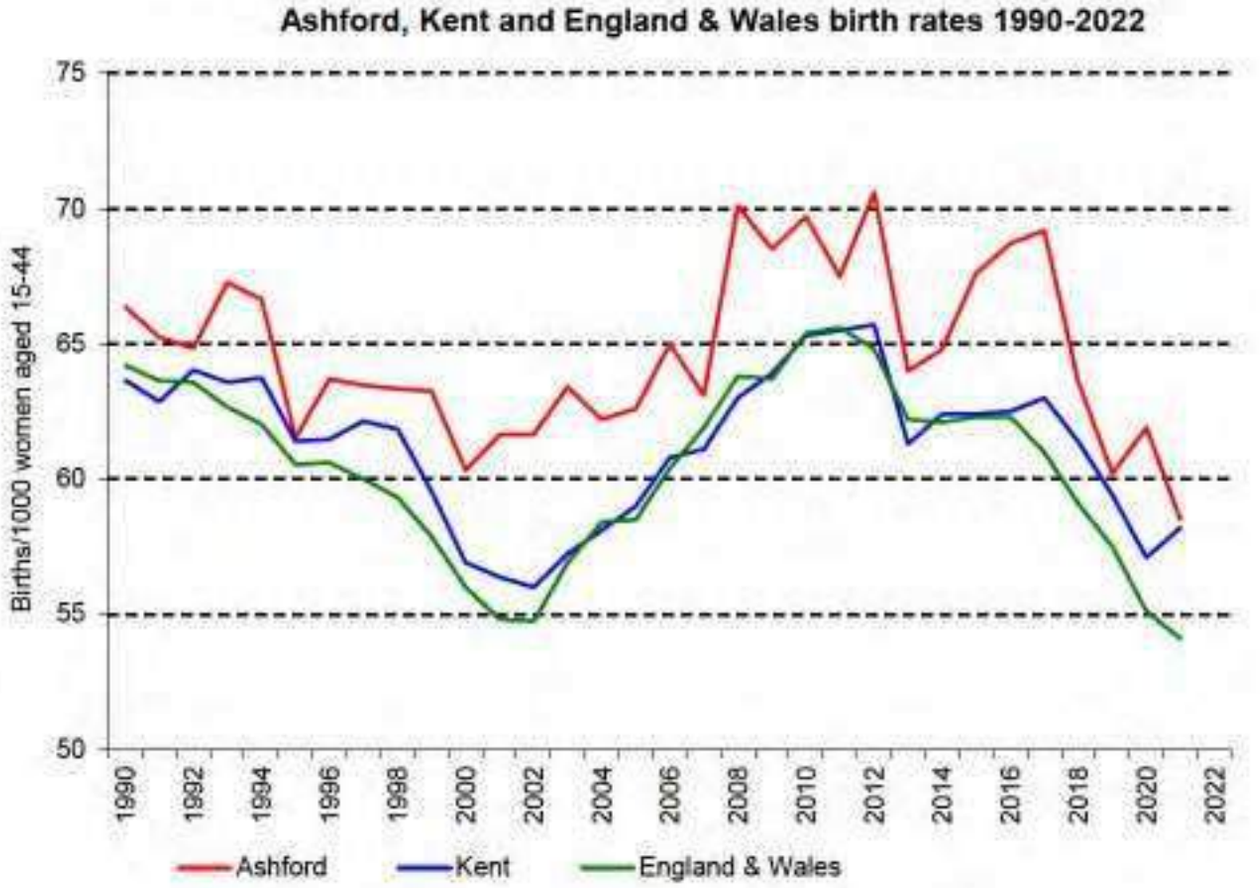
Ashford primary schools by planning group

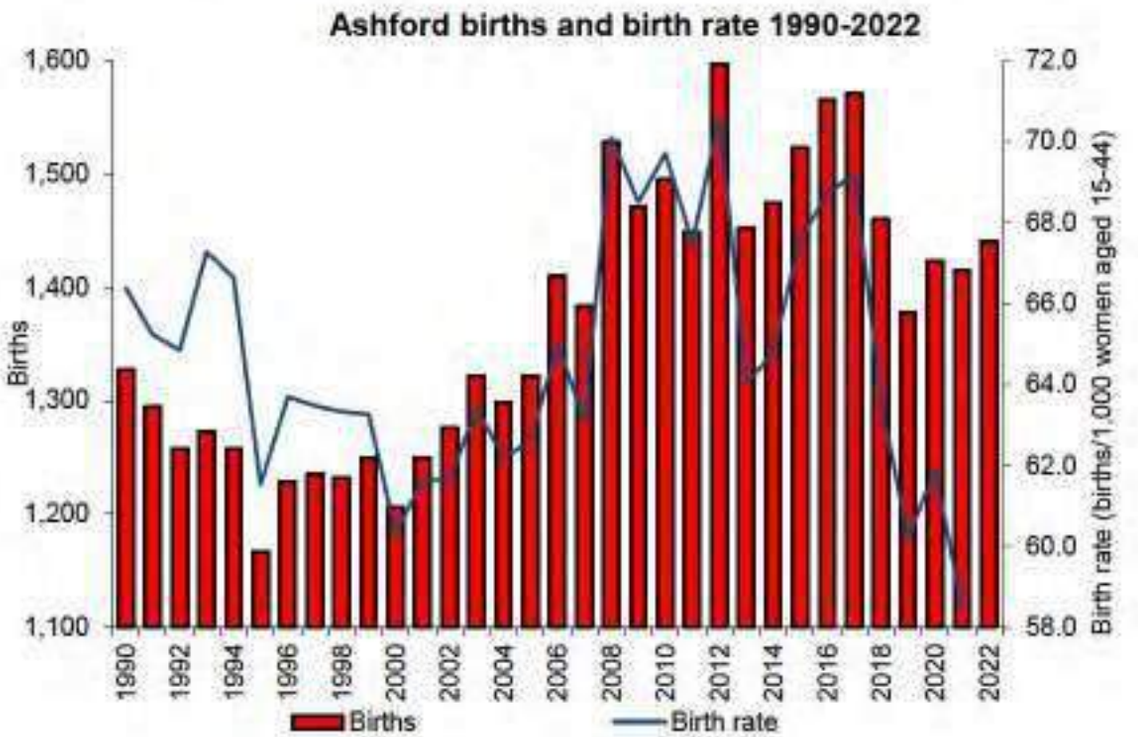
Planning Groups	School	Status
Chilham	St. Mary's CE Primary School (Chilham)	Voluntary Controlled
Charing	Challock Primary School	Foundation
	Charing CE Primary School	Academy
Ashford North	Downs View Infant School	Community
	Goat Lees Primary School	Foundation
	Godinton Primary School	Academy
	Kennington CE Academy	Academy
	Lady Joanna Thornhill Endowed Primary School	Voluntary Controlled
	Phoenix Community Primary School	Foundation
	Repton Manor Primary School	Foundation
	St. Mary's CE Primary School (Ashford)	Voluntary Aided
	St. Teresa's RC Primary School	Academy

Planning Groups	School	Status
	Victoria Road Primary School	Community
Ashford Rural East	Aldington Primary School	Foundation
	Brabourne CE Primary School	Voluntary Controlled
	Brook Community Primary School	Foundation
	Smeeth Community Primary School	Foundation
Ashford East	East Stour Primary School	Academy
	Finberry Primary School	Academy
	Furley Park Primary Academy	Academy
	Kingsnorth CE Primary School	Academy
	Mersham Primary School	Foundation
	Willesborough Infant School	Community
	Willesborough Junior School	Foundation
Ashford South	Ashford Oaks Primary School	Community
	Beaver Green Primary School	Academy
	Chilmington Green Primary School	Free
	Great Chart Primary School	Community
	John Wallis CE Academy	Academy
	John Wesley CE and Methodist Primary School	Voluntary Aided
	St. Simon of England RC Primary School	Academy
Ashford Rural West	Bethersden School	Community
	Egerton CE Primary School	Voluntary Controlled
	Pluckley CE Primary School	Academy
	Smarden Primary School	Academy
Hamstreet and Woodchurch	Hamstreet Primary Academy	Academy
	Woodchurch CE Primary School	Voluntary Controlled
Tenterden North	High Halden CE Primary School	Voluntary Controlled
	John Mayne CE Primary School	Academy
	St. Michael's CE Primary School	Academy
Tenterden South	Rolvenden Primary School	Academy
	Tenterden CE Junior School	Academy
	Tenterden Infant School	Academy
	Wittersham CE Primary School	Voluntary Aided

Birth rate and births analysis

the charts below set out the birth rates for the Borough and the number of recorded births.





Ashford Forecasts

Primary - Year R surplus/deficit capacity if no further action is taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Chilham	15	4	2	5	6	4	4	4	4	4	4	4	15
Challock and Charing	50	3	3	4	-3	-3	-3	-3	-4	-4	-4	-4	50
Ashford North	450	2	79	59	50	82	81	77	73	70	67	64	450
Ashford Rural East	80	21	13	16	13	8	8	8	8	8	8	8	80
Ashford East	420	66	91	45	89	58	57	55	52	50	47	45	420
Ashford South	390	32	90	93	92	108	111	112	112	113	114	115	390
Ashford Rural West	80	-3	4	2	-6	-8	-7	-6	-5	-5	-4	-2	80
Hamstreet and Woodchurch	71	8	5	4	7	3	3	1	0	0	-1	-1	71
Tenterden North	65	6	3	3	4	2	2	2	2	3	3	4	65
Tenterden South	94	11	8	-2	7	13	14	14	15	16	16	17	94
Ashford	**1,715**	**150**	**297**	**229**	**259**	**267**	**270**	**264**	**258**	**254**	**250**	**249**	**1,715**

Secondary - Forecast Year 7 surplus/deficit capacity if no further action is taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Ashford North Non-Selective	870	0	-32	-40	70	17	20	10	25	144	108	130	938
Tenterden and Cranbrook Non-Selective	390	46	-16	13	-1	-22	-31	-30	-39	-37	-52	-42	360
Ashford Selective	420	26	-3	3	5	-12	-16	-20	-19	14	-4	4	420

Primary Borough Commentary

There are forecast to be surplus Year R places across the Plan period. Two planning groups are forecast to have a deficit of Year R places: Challock and Charing, and Ashford Rural West.

Ashford North Planning Group
Forecasts suggest a significant surplus from 2023/24 until the end of the decade. The increasing need for primary school places in the planning group over the last few years has been driven by ongoing developments in and around central Ashford which have been completed.

In the longer term, planned new developments north of the M20 between Kennington, Willesborough and Eureka Park will increase demand. To address the need for primary school places to support new housing in and around the planning group, the Local Plan makes provision for a new 2FE primary school to be incorporated into the 'Conningbrook Park' development. This development has only just started with the primary school land unlikely to be secured until 2027 at the earliest. It is therefore unlikely that the school will be required until the latter part of the decade.

Ashford East Planning Group
Although forecasts suggest a significant level of surplus places across the Plan period (11% surplus capacity across Year R 2032-33). The level of surplus places may well reduce as existing, permitted and allocated sites come forward. This included: Finberry, Waterbrook, New Town Works, Park Farm, Court Lodge and Willesborough Lees.

The Local Plan makes provision for a new 2FE primary school to be incorporated into the 'Court Lodge' development area, to meet the longer-term primary education needs driven by that development. The masterplan for the development is still in progress, so we would not expect the new primary school to be available until the latter part of this decade.

Charing and Challock Planning Group
Forecasts suggest a small deficit of primary school places throughout the Plan period. This is primarily due to Charing Church of England Primary School taking over their published admissions numbers in some year groups. Additionally, the forecasts consider the impact of consented development in the planning group.

As development has not moved forward as expected, the expansion of the school is not required until the latter half of the decade. In the interim, it is expected that local families will be able to secure places in schools within the planning area and those applying from further afield will secure place closer to their homes.

Should things change and additional places be required earlier than expected, plans are in place to add two new classrooms, enabling the expansion of Charing CE Primary School by 0.3FE.

Ashford Rural West Planning Group
Forecasts suggest a small deficit of places in this planning group from the 2025/26 academic year. This is due to an academy offering over their Published Admissions Number for several years. Should the Academy choose not to offer over their published Admissions Number in the future, it is expected that local families will be able to secure places in schools within the planning area and those applying from further afield will secure places closer to their homes.

Tenterden North Planning Group
Forecasts suggest that there will be less than 2% surplus Year R capacity in the academic year 2026/27. However, it is expected that local families will be able to secure places in schools within the planning area and those applying from further afield will secure places closer to their homes.

Hamstreet and Woodchurch Planning Group
Development within the planning group may lead to the need for additional primary school provision. As such, contributions have been sought to enable Hamstreet Primary Academy to expand by 0.5FE when required. Forecasts suggest that there will be a small deficit of places at the end of the Plan period.

Tenterden South Planning Group
Forecasts suggest that there will be a small deficit of places in the 2024-25 academic year (-2 places). It is expected that local families will be able to secure places in schools within the planning area and those applying from further afield will secure places closer to their homes.

Secondary Borough Commentary
There are three planning groups which are within Ashford Borough, or which cross the Borough boundary (See appendix 13.2 for the non-selective and selective planning group maps). Two planning groups are non-selective (Ashford North, Tenterden and Cranbrook), one selective. The commentary below outlines the forecast position for each of the planning groups.

Ashford North Non-Selective Planning Group
There are four existing schools in the Ashford North non-selective planning group: John Wallis Church of England Academy, The North School, The Towers School and Sixth Form Centre and Wye School. In addition, Chilmington Green Secondary School will open off-site in September 2023 offering 120 Year R places.

The opening of Chilmington Green Secondary School alongside the additional places offered in existing secondary schools ensured sufficient Year 7 places across the Borough for September 2023.

Once Chilmington Green locates onto the permanent site, 180 places will be offered. This will ensure sufficient secondary school places across the planning group through the Plan period.

Tenterden and Cranbrook Non-Selective Planning Group
The deficit of places forecast in the Tenterden and Cranbrook planning group is a legacy of the closure of High Weald Academy and rising secondary school rolls.

The forecast -16 places deficit for September 2023 was managed through the opening of Chilmington Green Secondary School (Ashford North) alongside the additional places offered in existing secondary schools in the Borough. The new school will change future pupil travel patterns; therefore, we anticipate that the forecast deficit in this planning area across the Plan period will not be seen.

Ashford Selective Planning Group
There are two selective schools in the Borough: Highworth Grammar School and The Norton Knatchbull Grammar School. Forecasts suggest that there will be a small deficit of places throughout the Plan period, but we anticipate that this could be managed within the existing schools.

Planned Commissioning – Ashford

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Ashford East					2FE of new provision at Court Lodge	
Ashford North					2FE New provision at Conningbrook Park	
Charing					0.3FE Charing CEPS	
Hamstreet and Woodchurch					0.5FE Hamstreet Primary Academy	
Ashford South						2FE of new provision at Chilmington Green
Ashford North Non-Selective		Additional 2FE (60 places) Chilmington Green				2FE Expansion of Chilmington Green

8.2. Canterbury

District commentary

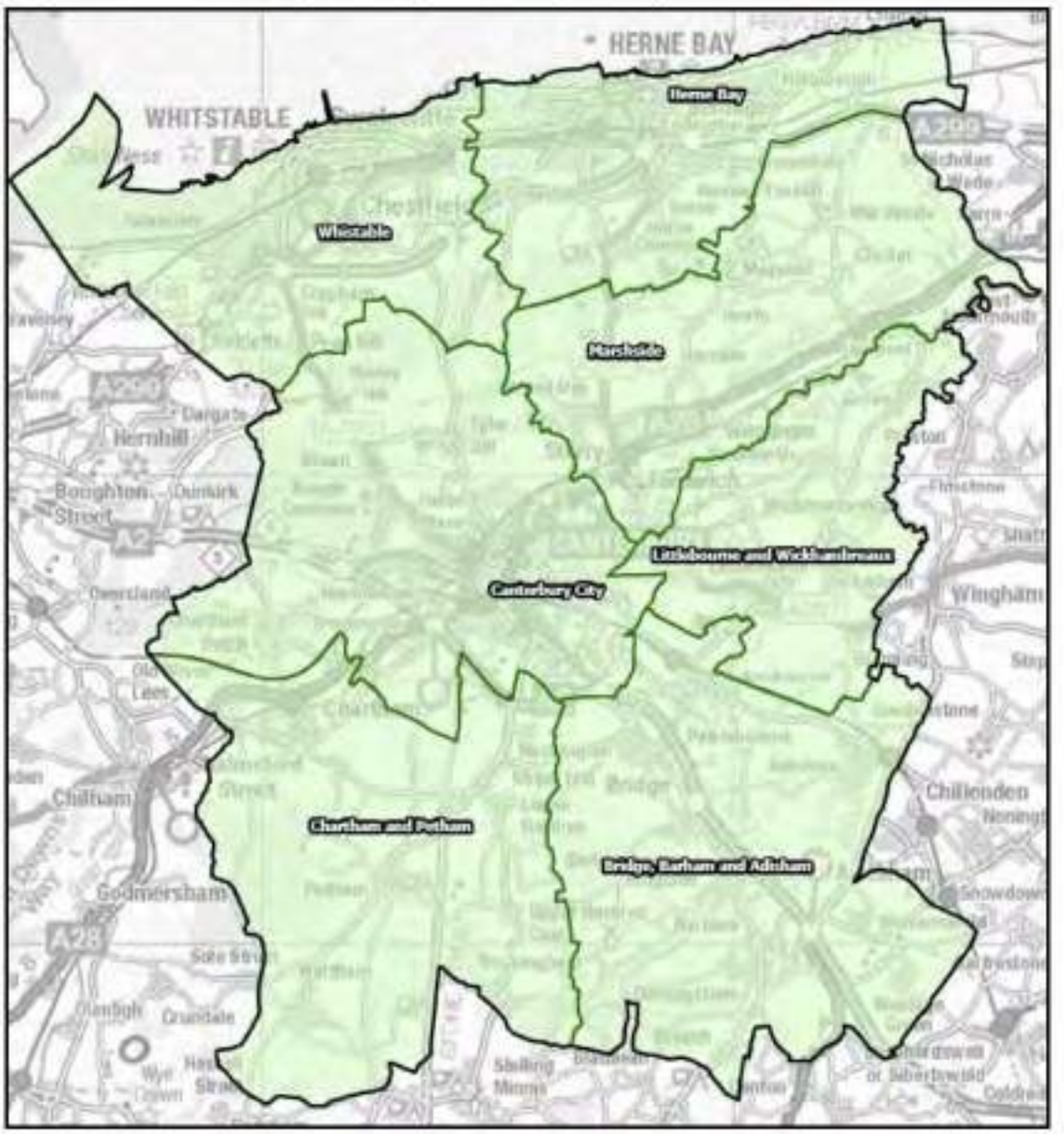
- The Canterbury district birth rate differs to Kent and the national picture as it is significantly lower, reflecting the large student population. The birth rate has had a downward trend since the 1990s. However, following a sharp fall in 2020, Canterbury's birth rate and the number of births rose notably in 2021 to around the rate evident in 2017.

- We forecast surplus primary school places across the District throughout the forecast period, however there are specific planning groups that show pressure. Within the secondary sector, we forecast pressures on capacity for non-selective planning groups but surplus capacity until 2027/28 for selective places.

- Canterbury City Council's current Local Plan, adopted on 13 July 2017, proposed a total of just over 16,000 new homes during the Plan period up to 2031. This equates to an average of 925 dwellings per annum. During the 2011/12 to 2020/21 a total of 4298 houses were completed (NET) with an average of 430 per year.

- Canterbury City Council is in the process of re-drafting their Local Plan following the previous public consultation in October 2022. This will set out the blueprint for the district until 2040. The council is preparing to undertake another Regulation 18 consultation at the beginning of 2024 before the Local Plan moves to Regulation 19 stage and the plan is examined by an inspector and a final decision is made.

Map of the Canterbury Primary Planning Groups



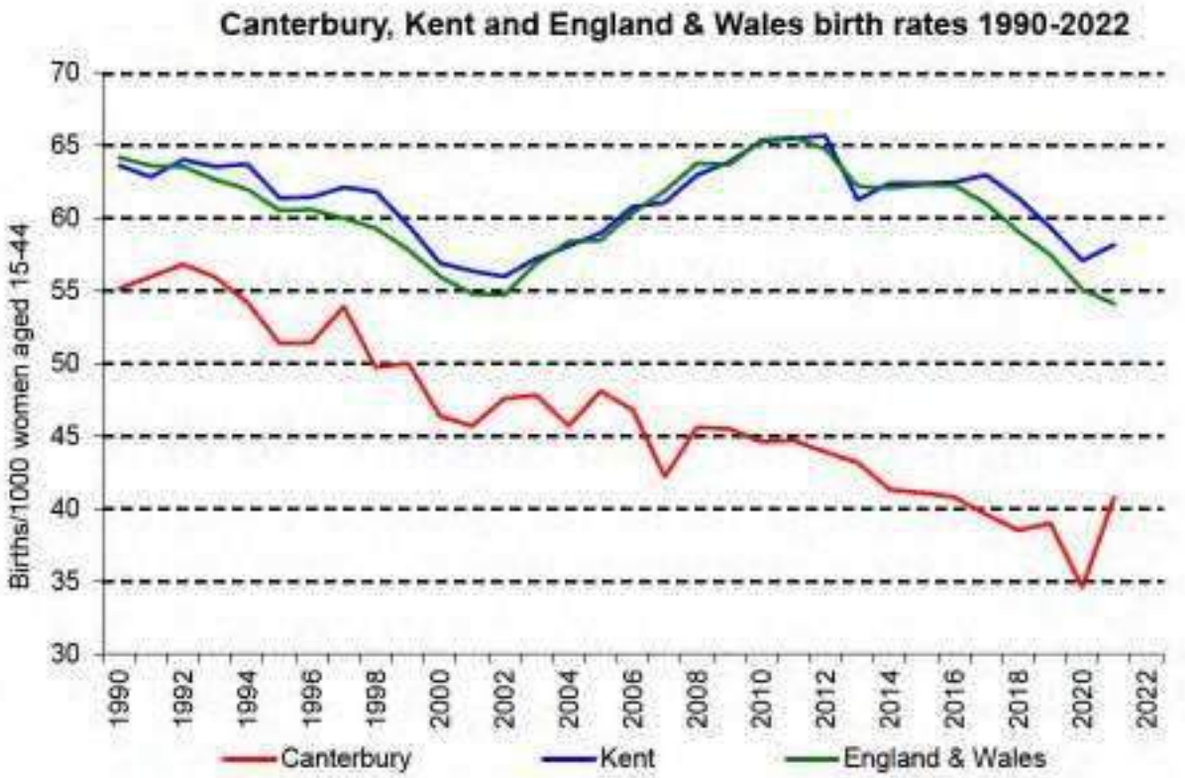
Canterbury Primary Schools by Planning Group

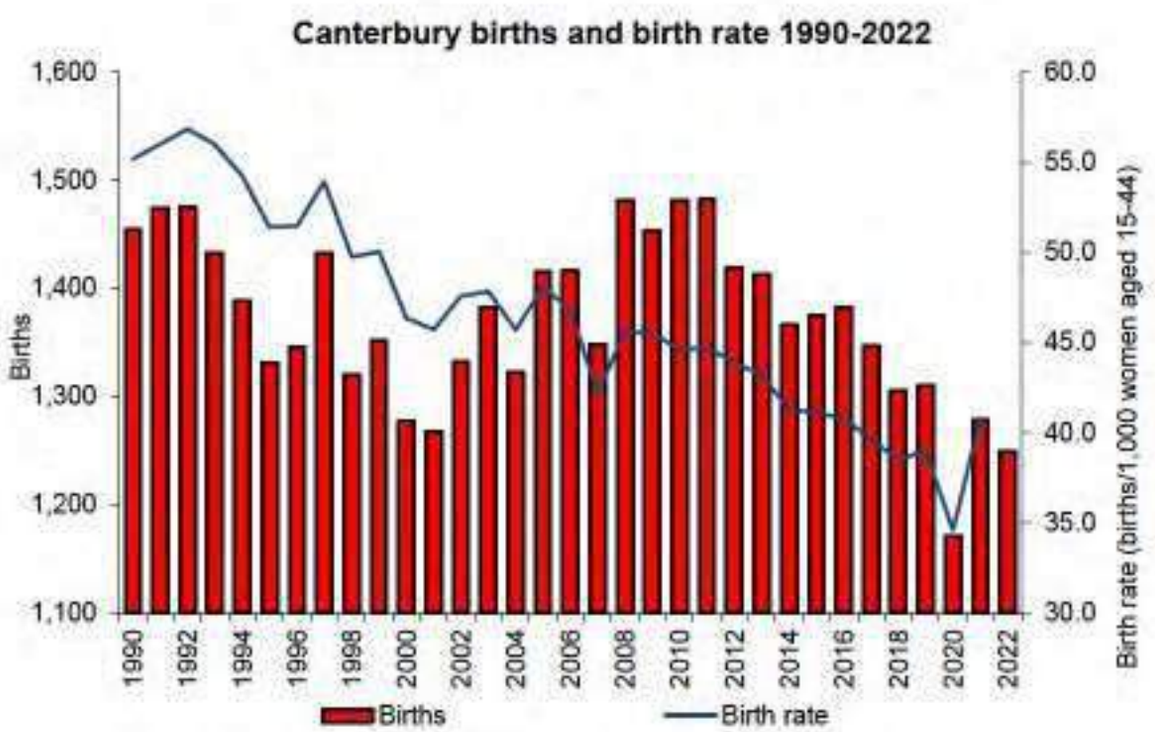
Planning Group	School	Status
Canterbury City	Blean Primary School	Community
	Canterbury Primary School	Academy
	Parkside Community Primary School	Foundation
	Pilgrims' Way Primary School	Academy
	St. John's CE Primary School (Canterbury)	Voluntary Controlled
	St. Peter's Methodist Primary School (Canterbury)	Voluntary Controlled
	St. Stephen's Infant School	Academy
	St. Stephen's Junior School	Academy
	St. Thomas' RC Primary School (Canterbury)	Voluntary Aided
	Wincheap Foundation Primary School	Foundation
Marshside	Chislet CE Primary School	Voluntary Controlled
	Water Meadows Primary School	Academy
	Hoath Primary School	Community
	Sturry CE Primary School	Academy
Bridge, Barham and Adisham	Adisham CE Primary School	Academy

Planning Group	School	Status
	Barham CE Primary School	Voluntary Controlled
	Bridge and Patrixbourne CE Primary School	Voluntary Controlled
Littlebourne and Wickhambreaux	Littlebourne CE Primary School	Voluntary Controlled
	Wickhambreaux CE Primary School	Voluntary Controlled
Chartham and Petham	Chartham Primary School	Academy
	Petham Primary School	Academy
Whitstable	Joy Lane Primary School	Foundation
	St. Alphege CE Infant School	Voluntary Controlled
	St. Mary's RC Primary School (Whitstable)	Academy
	Swalecliffe Community Primary School	Foundation
	Westmeads Community Infant School	Community
	Whitstable and Seasalter Endowed CE Junior School	Voluntary Aided
	Whitstable Junior School	Foundation
Herne Bay	Briary Primary School	Academy
	Hampton Primary School	Academy
	Herne Bay Infant School	Community
	Herne Bay Junior School	Foundation
	Herne CE Infant School	Voluntary Controlled
	Herne CE Junior School	Voluntary Aided
	Reculver CE Primary School	Academy

Birth Rate and Birth Analysis

The charts below set out the birth rates for the district and the number of recorded births.





Canterbury Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Canterbury City	465	31	27	31	14	18	25	33	44	58	75	94	465
Marshside	119	8	-1	9	8	-7	-13	-18	-22	-22	-23	-24	119
Bridge, Barham and Adisham	105	8	0	-6	-13	-11	-13	-15	-17	-20	-22	-25	105
Littlebourne and Wickhambreaux	30	0	-5	-8	-8	-6	-6	-7	-7	-8	-8	-9	30
Chartham and Petham	75	13	9	21	21	14	15	16	17	17	17	16	75
Whitstable	360	50	85	122	108	131	133	137	139	140	140	138	360
Herne Bay	390	16	6	49	57	67	65	65	65	63	60	56	390
Canterbury	**1,544**	**126**	**120**	**219**	**187**	**206**	**205**	**211**	**219**	**229**	**238**	**248**	**1,544**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Canterbury City Non-Selective	710	57	26	19	15	-14	-50	-41	-55	-70	-54	-78	680
Canterbury Coastal Non-Selective	618	-11	-58	-2	16	-1	-14	21	-8	2	75	74	618
Canterbury and Faversham Selective	615	-29	14	19	33	16	-24	-2	-11	-27	18	-3	645

Primary District Commentary

Forecasts indicate that across Canterbury district there will be surplus capacity for Year R places. The surplus for Year R fluctuates throughout the forecast period from 187 (6.2FE) surplus for 2025/26 to 248 (8.2FE) for 2032/33 with significant variations across the different Planning Groups.

The lower rate of housebuilding combined with the decline in birth rate has resulted in surplus primary places, particularly in Herne Bay and Whitstable. Pressures in Marshside, Bridge, Barham and Adisham and Littlebourne and Wickhambreaux are offset by surplus capacity in Canterbury City and will help to realign historical travel patterns of pupils travelling out of Canterbury to attend a village school.

Canterbury City Planning Group
Forecasts indicate a surplus of places in the planning group of between 0.5FE for Year R in 2025/26 increasing to 3FE in 2032/33. However, new housing which is currently being built out on the Howe Barracks site in Canterbury (Howe Green) will increase demand in the medium term. To ensure sufficient local places are available, Pilgrims Way School will be expanded by 0.5FE to meet this localised need. The first phase (1FE) of a new 2FE primary school in Thanington will also be established to serve the new housing development of 750 homes. This phased approach will prevent overcapacity in the planning area and help to realign historical travel patterns.

Marshside Planning Group
Forecasts indicate a pressure from 2026/27 of 7 places increasing to over -0.5FE pressure for the plan period. Initially the pressure will be met through surplus capacity in neighbouring planning areas. Later in the forecast period, dependant on the order in which developments are built, we will expand Water Meadows Primary Academy by a form of entry or establish the first phase of a new 2FE primary school in Sturry/Broad Oak to serve the housing development in this planning group.

Littlebourne and Wickhambreaux Planning Group and Bridge, Barham and Adisham
Forecasts indicate that there will be a pressure for Year R places within the planning groups. This is due to the significant number of families who traditionally travel into the planning groups for places. Later in the forecast period, dependant on new housing being bought forward a 1FE expansion of Littlebourne Primary School will be commissioned.

Whitstable Planning Group
Forecasts indicate between 3.5FE and 4.5FE surplus Year R places across the Plan period. Discussions will take place with schools on managing this surplus to ensure all schools remain viable.

Herne Bay Planning Group
Forecasts indicate between 1.5FE and 2FE surplus capacity for Year R places across the Plan period. If new housing developments are delivered in line with the Local Plan, additional capacity will need to be provided later in the plan period. Dependent on the order in which developments are built out, this could be delivered through a 1FE expansion of Briary Primary School or the phased establishment of a new 2FE primary school on the Hillborough development.

Secondary District Commentary

There are three planning groups within Canterbury district, or which cross the Borough boundary (See appendix 13.2 for the non-selective and selective planning group maps). Two planning groups are non-selective (Canterbury City and Canterbury Coastal), one selective. The commentary below outlines the forecast position for each of the planning groups.

Canterbury City Non-Selective Planning Group
There are four schools in the Canterbury City non-selective planning group: Archbishop's School, Barton Manor, Canterbury Academy, and St Anselm's Catholic School.

Forecasts indicate a pressure of -0.5FE from 2026/27 which increases to -2.6FE later in the Plan period. The historical trend of students travelling from the coastal to Canterbury City places pressures on the City Schools and an expansion of Herne Bay High school will help to realign students to the coastal schools near to where they live.

Canterbury Coastal Non-Selective Planning Group
There are three schools in the Canterbury Coastal non-selective planning group: The Whitstable School, Herne Bay High School and Spires Academy.

Year 7 forecasts indicate a fluctuating deficit and surplus places in the planning group. A deficit of 14 places (0.46FE) in 2023/24 to a surplus of 74 (2.5FE) places by 2031/32. The historical trend of students travelling from the coast to Canterbury City is starting to change as the popularity of all coastal schools continues to rise. Feasibilities have been undertaken to explore the future expansion of Herne Bay High by 1.5FE later in the forecast period to support the predicted growth in demand as a result of new housing developments in Herne Bay and reversing the historical trend of students travelling into Canterbury City Schools.

Canterbury and Faversham Selective Planning Group
There are four schools in the Canterbury and Faversham selective planning group: Barton Court Grammar School, Simon Langton Girl's Grammar School, Simon Langton Grammar School for Boys and Queen Elizabeth's Grammar School.

Forecasts indicate a surplus of places in the planning group until 2027 of between 0.5FE and 1FE. From 2027/28 there is a pressure forecast in the planning group of between -0.6FE and 1FE for Year 7 places across the Plan period. Feasibilities will be undertaken at Simon Langton Girls School to expand the school by 1FE.

Planned Commissioning - Canterbury

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Canterbury City	0.5FE expansion of Pilgrims Way		1FE of new Primary School in Thanington			
Marshside					1FE expansion of Water Meadows or 1st 1FE of new provision in Sturry/ Broad Oak	
Herne Bay					1FE new provision in Herne Bay or 1FE expansion of Briary PS	
Canterbury Coastal Non-Selective			1.5FE expansion of Herne Bay High School			
Canterbury and Faversham Selective				1FE expansion of Simon Langton Girls School		
Special School			New 120 place Special School on the coast			
Specialist Resourced Provisions						

8.3. Dartford

Borough Summary

- The Dartford birth rate has reduced slightly in 2022, however, the number of births remain significantly higher than the Kent and National averages.

- Primary forecasts indicate surpluses of around 4-5 FE in the first half of the Plan period. The surplus drops from 2027-28 and reduces steadily to about 2.5FE over the remainder of the Plan period.

- Forecasts indicate that there is a deficit of secondary places across all four planning groups that cover the Dartford area for most of the Plan period.

- The first year of the Plan period in the Dartford and Swanley Non-Selective planning group, shows a small surplus. This becomes a deficit from September 2025, peaking at 3FE in 2028. The Gravesham and Longfield Non-Selective planning group shows a more significant deficit from the outset and for the whole of the Plan period, rising to nearly 5FE for September 2028.

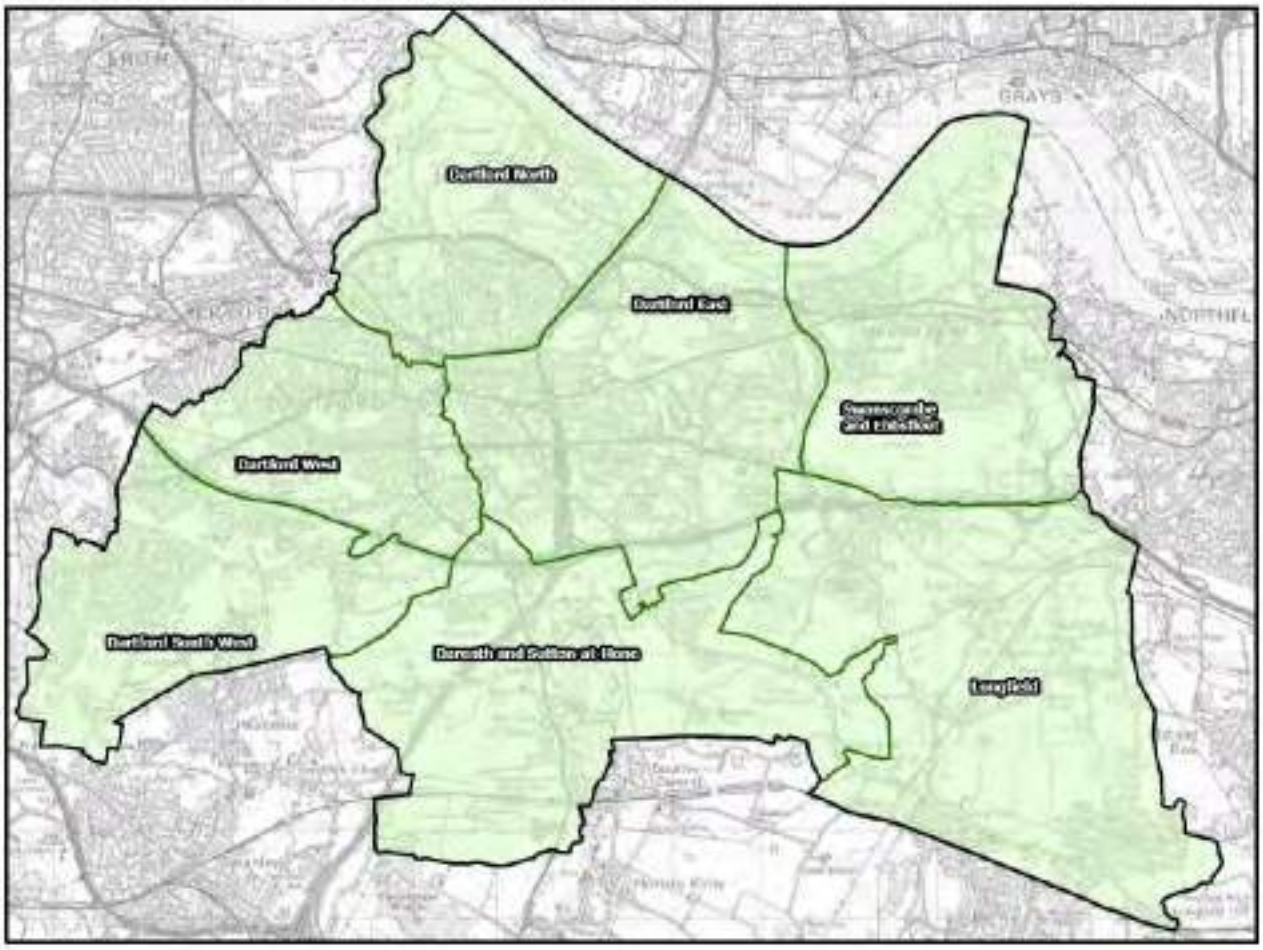
- Selective demand in the North West Kent Selective Planning Group is under pressure throughout the whole Plan period, peaking at just below 2FE. The Gravesham and Longfield Planning Group forecasts suggest an even greater deficit, peaking at close to 3FE for September 2028. Any options for creating additional selective capacity will be extremely challenging and KCC may be only able to ensure that the Local Authority statutory duty to provide sufficient places, of any type, is met.

- Dartford Borough Council (DBC) and the Ebbsfleet Development Corporation (EDC) have estimated that between 2011 to 2026, approximately 17,300 new homes would be built. More recently, the EDC has said that 15,000 new homes will be built in their area of responsibility alone. Not all of this new housing has been consented and so it will not appear in the forecasts. KCC is working in collaboration with DBC and EDC to ensure that sufficient places are available to accommodate the children from the new housing, even if it does not feature in the forecasts.

- Redevelopment in other parts of Dartford will add more housing. A new Local Plan is being consulted on and it indicates a target of 790 new dwellings, per annum, for the duration of the plan period.

- Prior to the Covid pandemic, a significant factor to primary and secondary demand in Dartford Borough was the migration from urban centres in Greater London to locations such as Dartford Borough. Migration reduced significantly during the pandemic, but it is not unreasonable to suggest that post Covid, migration will pick up, possibly to pre-Covid levels.

Map of the Dartford Primary Planning Groups



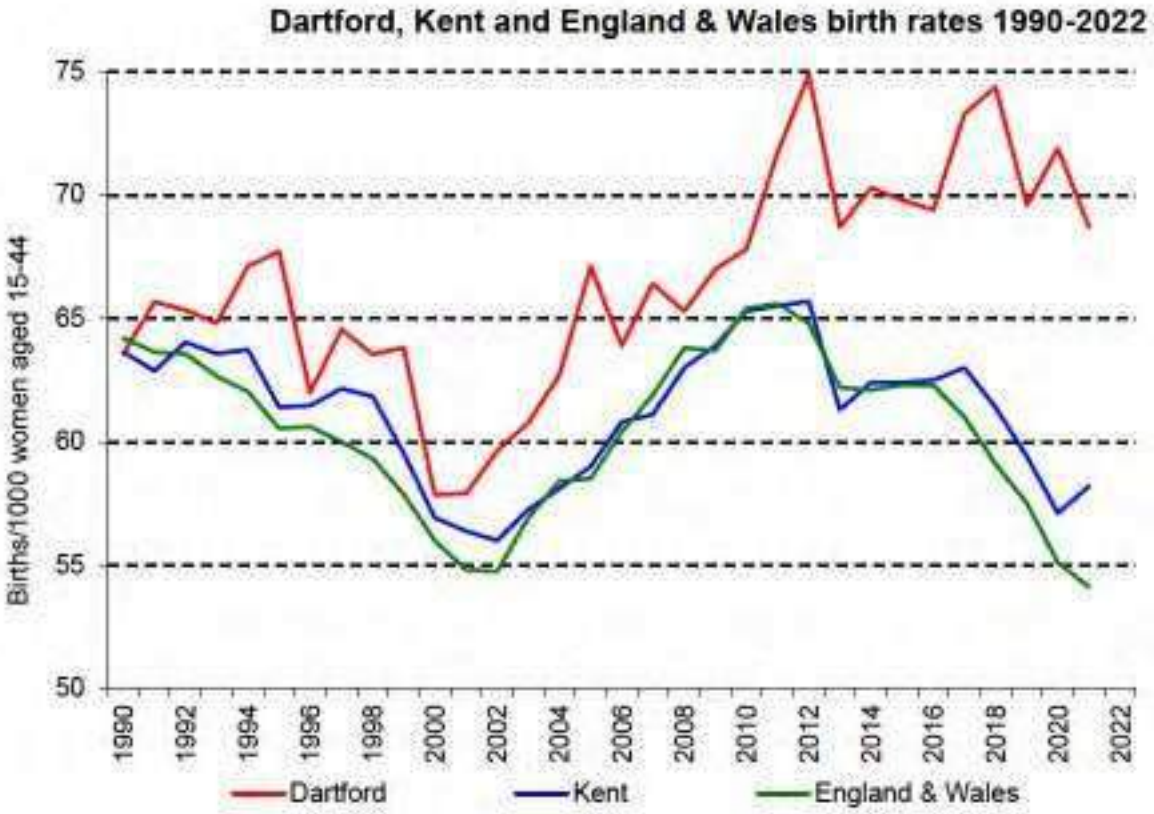
Dartford Primary Schools by Planning Group

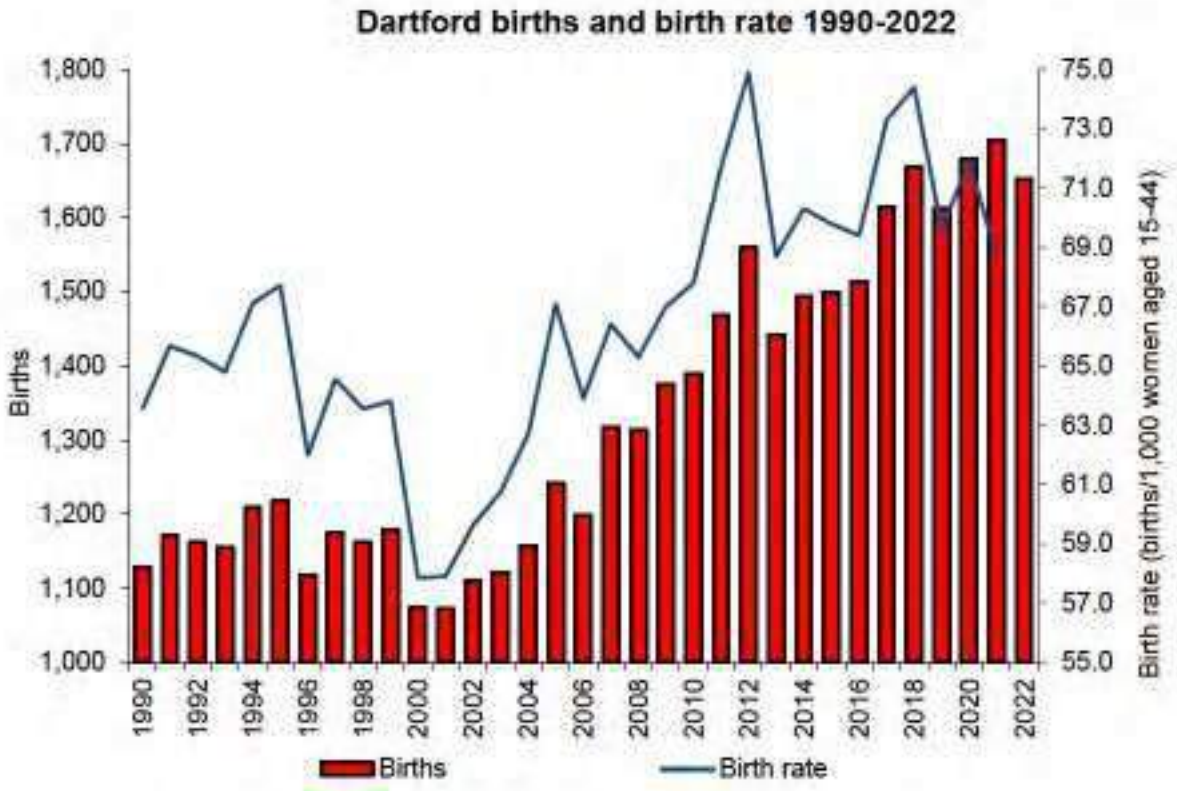
	School	Status
Dartford North	Dartford Bridge Community Primary School	Academy
	Holy Trinity CE Primary School (Dartford)	Voluntary Aided
	River Mill Primary School	Free
	St. Anselm's RC Primary School	Academy
	Temple Hill Primary Academy	Academy
Dartford West	Oakfield Primary Academy	Academy
	Our Lady's RC Primary School	Voluntary Aided
	Wentworth Primary School	Academy
	West Hill Primary Academy	Academy
	Westgate Primary School	Academy
Dartford East	Brent Primary School	Academy
	Dartford Primary Academy	Academy
	Fleetdown Primary School	Academy
	Gateway Primary Academy	Academy
	Stone St. Mary's CE Primary School	Academy
Dartford South West	Joyden's Wood Infant School	Academy
	Joyden's Wood Junior School	Academy
	Maypole Primary School	Community
	Wilmington Primary School	Academy
Darenth and Sutton-at-Hone	Greenlands Primary School	Academy
	Sutton-at-Hone CE Primary School	Academy

	School	Status
Swanscombe and Ebbsfleet	Cherry Orchard Academy	Academy
	Craylands School	Community
	Ebbsfleet Green Primary School	Free
	Knockhall Primary School	Academy
	Manor Community Primary School	Academy
Longfield	Bean Primary School	Community
	Langafel CE Primary School	Voluntary Controlled
	Sedley's CE Primary School	Academy

Birth Rate Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Dartford Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Dartford North	330	31	-16	38	19	19	8	0	-9	-19	-29	-37	330
Dartford West	312	0	25	28	44	26	29	32	34	37	39	41	315
Dartford East	390	0	18	7	24	10	10	12	12	12	11	11	390
Dartford South West	180	27	9	19	12	22	24	27	29	31	33	36	180
Darenth and Sutton-at-Hone	90	16	22	22	18	22	23	24	25	26	27	29	90
Swanscombe and Ebbsfleet	360	51	50	30	0	-8	-13	-15	-20	-24	-28	-31	360
Longfield	90	12	18	10	13	18	20	22	24	26	28	30	90
Dartford	**1,752**	**137**	**126**	**154**	**130**	**110**	**101**	**103**	**95**	**89**	**82**	**78**	**1,755**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Dartford and Swanley Non-Selective	1,260	11	16	36	-2	-15	-34	-100	-45	-65	-25	-52	1,260
Gravesham and Longfield Non-Selective	1,340	38	-96	-27	-82	-119	-136	-143	-96	-62	-79	-89	1,340
Gravesham and Longfield Selective	420	-18	-66	-39	-62	-72	-79	-82	-70	-60	-67	-71	420
North West Kent Selective	720	-3	-19	-8	-22	-33	-36	-57	-37	-40	-15	-20	720

Primary District commentary

Forecasts for the Borough as a whole, indicate about 5FE surplus for the first three years of the Plan period for year R. This surplus starts to reduce below 4FE from 2026 and continues over succeeding years. Forecasted demand comes from the Dartford North planning group and the Swanscombe and Ebbsfleet planning group.

In addition to the forecast need identified above, plans for further housing across the district will increase the need for school places. Over and above the current planned housing numbers, Dartford Borough Council are currently consulting on their revised local plan which could include up to an additional 7000 units. Housing growth could be exacerbated further by an expansion of the Elizabeth Line from Abbey Wood to Ebbsfleet, which has been proposed by London Local Authorities.

Dartford North Planning Group
New housing on the Dartford Northern Gateway has driven the demand for places in recent years. Forecasts indicate that for the next five years, the number of places in the planning group will be sufficient to accommodate the demand. It has therefore been decided to put any proposal to expand Dartford Bridge Community Primary School on hold until 2028, at the earliest, where the demand indicates a small deficit. If future projections indicate otherwise, then a proposal could be advanced if necessary.

Swanscombe and Ebbsfleet Planning Group
This planning area is significantly impacted by the Ebbsfleet Garden City development area. A new primary school was established on the Ebbsfleet Green development in 2020-21 which opened with 1FE. The increased demand for year R places due to the pace of housebuilding has necessitated that it be expanded to its capacity of 2FE ahead of the projected timeline.

As the Garden City development progresses, a further new 2FE primary provision will be provided at the Alkerden all-through school for September 2026.

In the longer term, should housing be delivered at current rates, two further new primary schools (Ashmere and Ebbsfleet Central) will be required, in addition to the establishment of the primary provision at Alkerden. This will provide a total of 6FE of new primary provision across the Plan period.

Secondary District Commentary

There are two non-selective and two selective planning groups that cover Dartford Borough or which cross the district boundary. See appendix 13.2 for the secondary planning group maps.

Dartford and Swanley Non-Selective Planning Group
There are seven schools in the Dartford and Swanley non-selective planning group: Dartford Science and Technology College, Ebbsfleet Academy, Inspiration Academy, Leigh Academy, Orchards Academy, Stone Lodge School and Wilmington Academy. All the schools are in Dartford Borough, except for Orchards Academy which is in Sevenoaks District.

Demand is manageable without any intervention for the next two years, but provision falls into deficit from 2025, but only marginally. This demand increases to more than 1FE from 2027, and then there is a significant increase from 2028.

To manage this demand, KCC will be proposing to commission 2FE of permanent provision at the Leigh Academy for 2025.

A new 8FE all-ability secondary school, within the Ebbsfleet Garden City development (on the Alkerden campus), is due to open in September 2025, initially offering 4FE of non-selective provision in year 7. This will be provided with temporary accommodation, but it is anticipated that the school will move to the permanent school site a year later. This school was commissioned to provide places for the increased student population, primarily from the new housing, and includes the provision required for housing that has not been consented and therefore is not included in the forecasts.

This school will expand to its maximum capacity of 8FE, the timing of which will be subject to the demand from new housing, but will likely be from 2027.

Gravesham and Longfield Non-Selective Planning Group
There are seven schools in the Gravesham and Longfield non-selective planning group: Longfield Academy, Meopham School, Northfleet Technology College, Northfleet School for Girls, Thamesview School, Saint George's CE School and Saint John's Catholic Comprehensive School.

The planning group is in deficit for the duration of the Plan period. The deficit is 1FE for September 2024, but that deficit increases to 3FE for 2025, and continues to increase to 4FE for 2026, 4.5FE for 2027 and 5FE for 2028. After 2028, the deficit is forecast to decline, but remain at approximately 3FE for the remainder of the Plan period.

For 2024, KCC will commission a second permanent 1FE at Thamesview School, taking the school to 7FE. An additional 2FE will be required in the planning group for 2025, and it is anticipated these will be 1FE at St George's CE School and 1FE at Northfleet Technology College.

In 2026, another 1FE of provision will be required, followed by a further 1FE in 2027. The deficit in 2028 will need to be handled by a bulge year, because that forecast deficit reduces by 2FE for the following year.

Longer term, KCC may need to consider new provision depending on the publication of the Gravesham Local Plan. KCC will monitor the forecasts as the new Gravesham Local Plan becomes clear.

North West Kent Selective Planning Group
There are four schools in the North West Kent selective planning group: Wilmington Grammar School for Girls, Wilmington Grammar School for Boys, Dartford Grammar School and Dartford Grammar School for Girls.

Forecasted demand for selective places in the North West Kent Selective Planning Group indicates that the planning group will now be in deficit for the duration of the Plan period.

For 2024, the deficit is forecast to be under 0.5FE, and will likely be manageable within existing provision. The deficit remains below 1FE until 2026, after which the deficit increases to more than 2FE. The deficit continues at around 2FE, before falling to 1 – 1.5FE for the remainder of the plan period.

Gravesham and Longfield Selective Planning Group
There are two schools in the Gravesham and Longfield selective planning group: Gravesend Grammar School and the Mayfield Grammar School.

The planning group is in deficit for the whole of the planning period. For September 2024, the deficit is 1.5FE. This deficit increases to 2 – 2.5FE deficit for the entirety of the Plan period.

Following expansions to Mayfield Grammar School and the ongoing expansion of Gravesend Grammar School, both Gravesham Grammar Schools are at their capacity and cannot be expanded further. Therefore, this demand, will need to be managed across Borough boundaries or by expansion to existing schools onto other sites, thus creating new Grammar satellites.

Such further expansions will be extremely challenging and KCC will seek to ensure that there is sufficient provision, even if that provision is non-selective. No new grammar schools can be built according to current government legislation.

Given the pressures being anticipated across both Selective Planning Groups, KCC will seek to commission 6FE additional Grammar places for 2026. This could be facilitated through the creation of satellites. However, options to do this are extremely limited and would be logistically challenging and expensive.

Special Educational Needs

Demand for special school places, for all categories remains high. KCC needed to commission a new 250 place special school for Profound Severe and Complex Needs for 2025. A site for a new school was identified in North Sevenoaks and a bid was subsequently submitted for a new Special Free School through KCC's Safety Valve submission. The bid was successful, and it is anticipated the new school will be opened by 2026.

Given the nature of Special Schools and the distances that students travel to receive an appropriate education, the provision will be designed to cater for students in the whole North Kent area.

The new all through school at Alkerden will provide 15 primary Specialist Resource Provision places and 25 secondary places.

Planned Commissioning - Dartford

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Dartford North						
Swanscombe and Ebbsfleet			1 FE new provision at Alkerden	1FE provision at Ebbsfleet Central 1FE expansion at Alkerden	1FE provision at Ebbsfleet Central 2FE provision at Ashmere	
Dartford and Swanley Non-Selective Planning Group		4FE new provision at Alkerden 2FE permanent expansion at Leigh Academy		2FE expansion at Alkerden	2FE expansion at Alkerden	
Gravesham and Longfield Non-Selective	1 FE permanent expansion Thamesview School	1FE permanent expansion at St George's CE School 1FE at Northfleet Technology College	1FE Permanent expansion	1FE Permanent expansion	30 places as a bulge year	
North West Kent Selective			6FE selective provision			
Specialist Resourced Provisions			15 place primary SRP at Alkerden 25 place secondary SRP at Alkerden			
Special School			1 x New 250 place special school for PSCN covering all of North Kent (repeated from the Sevenoaks) section			

8.4. Dover

District commentary

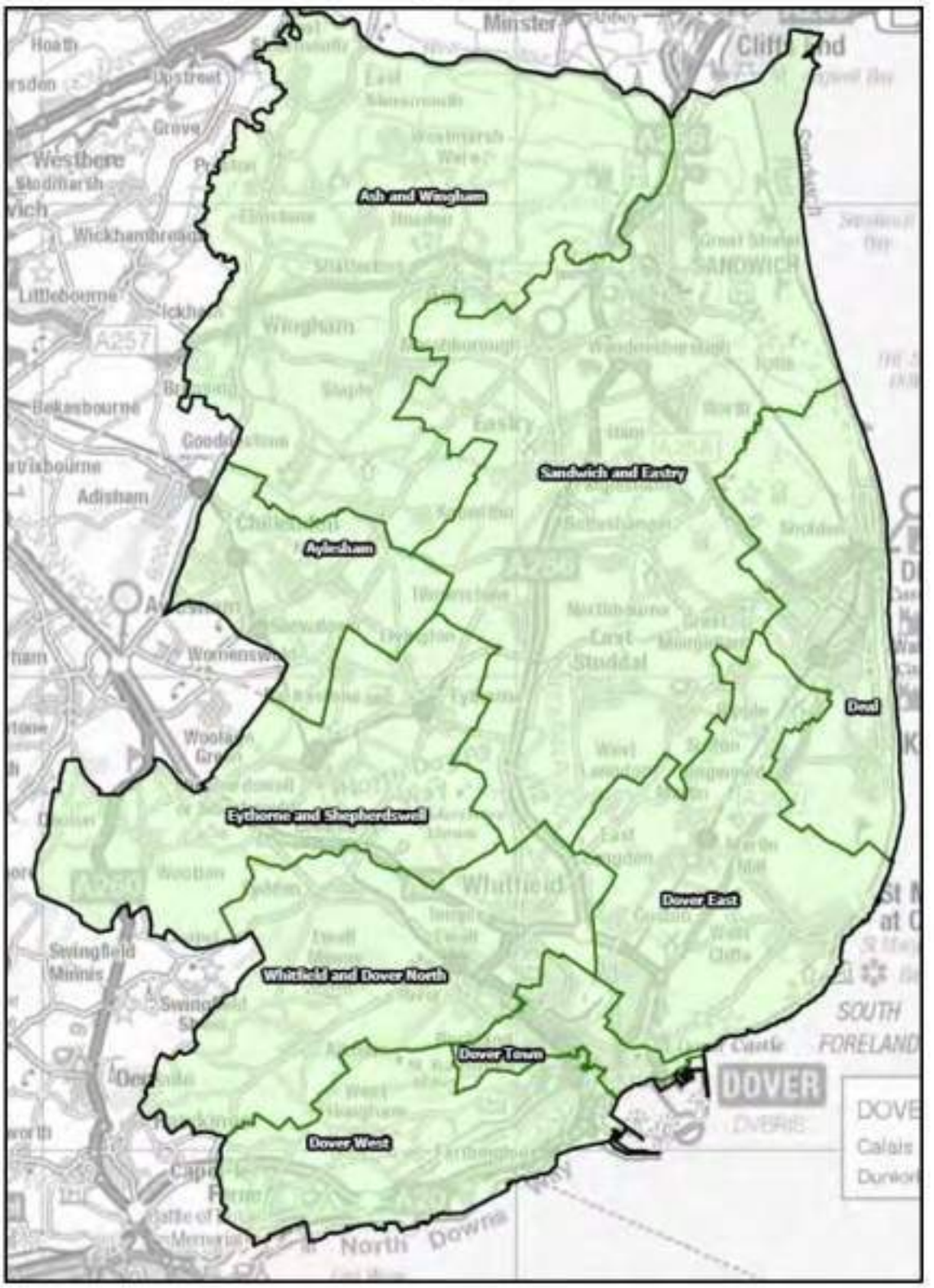
- The birth rate in Dover District (2021) continued to fall and is 3 points below the County average. The number of recorded births (2022) has risen by 49 from the previous year.

- We forecast sufficient primary school places across the District throughout the Plan period, although there will be some localised pressures associated with house building which may need to be addressed.

- Across the District there will be sufficient secondary school places throughout the Plan period. House building will mean provision will need to increase in some locations in the medium to long term.

- Dover District Council's new Local Plan for the period 2020-2040 has been submitted for examination. We have worked with Dover District Council Officers to consider the impact on the need for additional school places, particularly in the longer term, and have responded to the Plan accordingly.

Map of the Dover primary planning groups

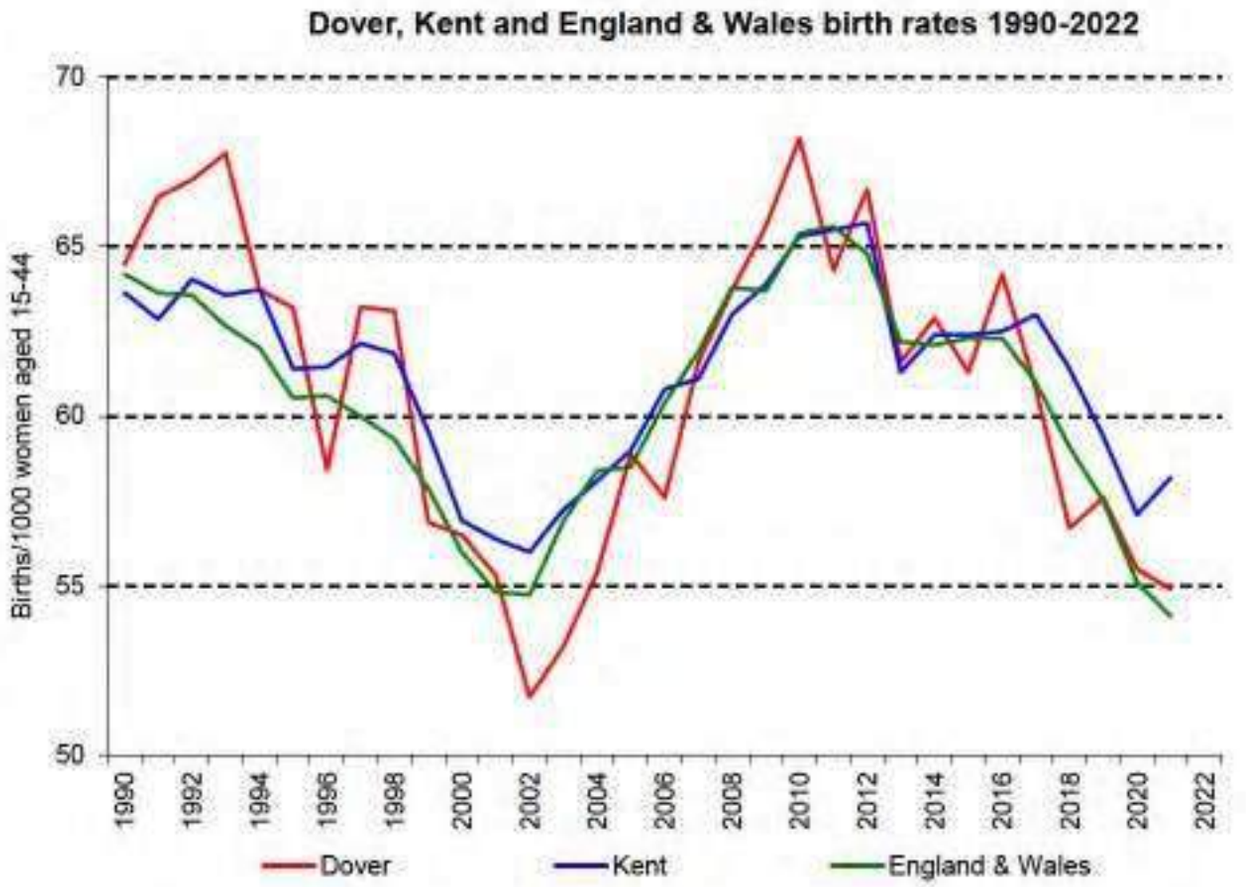


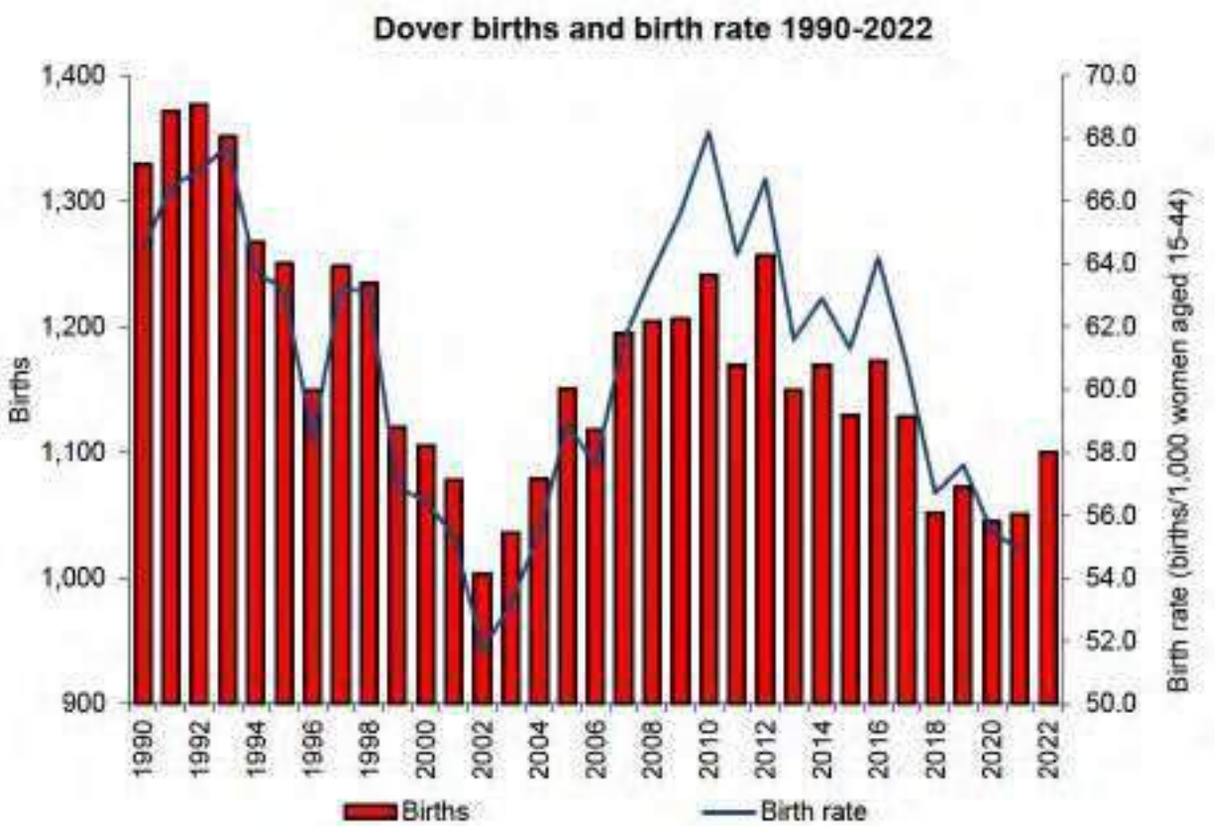
Dover primary schools by planning group

Planning Group	School	Status
Dover Town	Barton Junior School	Academy
	Charlton CE Primary School	Academy
	Green Park Community Primary School	Community
	Shatterlocks Infant School	Academy
	St. Mary's CE Primary School (Dover)	Voluntary Aided
	St. Richard's RC Primary School	Academy
	White Cliffs Primary College for the Arts	Academy
Whitfield and Dover North	Lydden Primary School	Community
	River Primary School	Community
	Temple Ewell CE Primary School	Academy
	Whitfield Aspen School	Community
Dover West	Aycliffe Community Primary School	Community
	Capel-le-Ferne Primary School	Community
	Priory Fields School	Academy
	St. Martin's School (Dover)	Academy
	Vale View Primary School	Academy
Dover East	Guston CE Primary School	Voluntary Controlled
	Langdon Primary School	Community
	St. Margaret's-at-Cliffe Primary School	Community
Deal	Deal Parochial CE Primary School	Academy
	Downs CE Primary School	Academy
	Hornbeam Primary School	Academy
	Kingsdown and Ringwould CE Primary School	Academy
	Sandown School	Academy
	Sholden CE Primary School	Academy
	St. Mary's RC Primary School (Deal)	Academy
	Warden House Primary School	Academy
Sandwich and Eastry	Eastry CE Primary School	Voluntary Controlled
	Northbourne CE Primary School	Academy
	Sandwich Infant School	Academy
	Sandwich Junior School	Community
	Worth Primary School	Academy
Ash and Wingham	Ash Cartwright and Kelsey CE Primary School	Voluntary Aided
	Goodnestone CE Primary School	Voluntary Controlled
	Preston Primary School	Community
	Wingham Primary School	Community
Aylesham	Aylesham Primary School	Community
	Nonington CE Primary School	Voluntary Controlled
	St. Joseph's RC Primary School (Aylesham)	Academy
Eythorne and Shepherdswell	Eythorne Elvington Community Primary School	Community
	Sibertswold CE Primary School	Voluntary Controlled

Birth rate and birth analysis

The charts below set out the birth rates for the District and the number of recorded births.





Dover District Forecast

Primary - Year R surplus/deficit capacity if no further action is taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Dover Town	270	62	73	50	50	50	50	50	51	51	52	53	240
Whitfield and Dover North	170	13	-4	14	16	-1	-1	-2	-3	-3	-3	-3	170
Dover West	170	45	43	40	57	49	49	48	48	47	47	46	170
Dover East	67	7	24	14	4	14	13	13	13	13	13	13	67
Deal	315	30	71	54	62	74	75	77	80	82	85	88	315
Sandwich and Eastry	116	25	13	17	15	7	7	7	7	8	10	11	116
Ash and Wingham	90	29	17	11	11	15	14	13	12	11	11	10	90
Aylesham	102	24	19	1	-12	-21	-29	-37	-44	-50	-57	-63	102
Eythorne and Shepherdswell	50	8	7	16	11	11	10	10	10	10	9	9	50
Dover	**1,350**	**243**	**264**	**216**	**213**	**196**	**187**	**179**	**174**	**170**	**168**	**165**	**1,320**

Secondary - Year 7 surplus/deficit capacity if no further action is taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Dover Non-Selective	500	76	26	-5	-3	-18	-21	-8	20	27	41	45	420
Deal and Sandwich Non-Selective	435	19	5	-2	16	21	12	11	16	40	27	31	435
Dover District Selective	440	35	5	5	20	6	8	1	24	41	47	49	440

Primary District Commentary

Across the District we forecast significant surplus Year R throughout the Plan period. Two planning groups are showing a deficit of places: Whitfield and Dover North, and Aylesham.

Aylesham Planning Group
In the previous Commissioning Plan, we noted that there had been a significant change in the forecasts from previous years. The change in forecasts was due to an increase in young families moving into Aylesham, with 30 more children in each pre-school age group that year compared with the previous year and a change to source of pre-school aged population data. When this growth rate was factored into the forecasts (and assuming it continued into the short to medium term) it resulted in an expected high forecast demand for primary school places over the coming years.

The effect of the influx of young children in 2021 on future forecasts is moderating down. Last year the forecasts suggested a deficit of -90 places by the end of the planned period, this year's forecasts have reduced this to -63 places. We would expect this to reduce further in next year's forecasts.

Developer contributions are secured to support the expansion of the schools in the planning group as and when required. We will continue monitor pupil numbers closely and to work with the schools in the planning group to ensure that sufficient primary school provision is available as required.

Whitfield and Dover North Planning Group
Much of this planning group comprises the area designated as the Whitfield Urban Expansion (WUE). The WUE has outline planning consent for 5,750 new homes to be delivered over the next 20 years. To provide sufficient primary school places the equivalent of three 2FE primary schools are included within the Master Plan. The first, the expansion of Whitfield Aspen Primary School on to a satellite site, opened for pupils in September 2021 offering an additional 1FE of provision. Planning permission is secured to add an additional block of classrooms, expanding the school to the full 4FE across the two sites. As planning permission is secured, we can react quickly to add this provision when required.

We forecast a small deficit of places later in the Plan period. This is being driven by pupil flow into the planning group. We will monitor pupil numbers closely to ensure the expansion of Whitfield Aspen by 1FE is delivered when required to meet local demand.

Dover East Planning Group
Surplus places are forecast throughout the Plan period. If additional school places are required to support the planned development at Connaught Barracks, this will be via the expansion of Guston Church of England Primary School.

Sandwich and Eastry Planning Group
Consented and proposed developments in Sandwich and the neighbouring villages of Eastry and Ash together account for potentially over 1,000 new homes. Should housing come forward as identified in the Local Plan, up to 1FE of provision in Sandwich may be required.

Secondary District Commentary

There are three secondary planning groups within Dover District (See appendix 13.2 for the non-selective and selective planning group maps). Two planning groups are non-selective (Dover, Deal and Sandwich) and one selective. The commentary below outlines the forecast position for each of the planning groups.

Dover Non-Selective Planning Group

There are three schools in the Dover non-selective planning group: Astor College of the Arts, Dover Christ Church Academy and St. Edmunds RC School. The Whitfield Urban Expansion may, over time, increase the pressure on local secondary schools. Should additional places be required, it is expected this will be via the expansion of Dover Christ Church Academy as the local school.

The small deficit of year 7 places forecast between 2024-25 and 2028-29 will be managed within existing capacity across the district.

Deal and Sandwich Non-Selective Planning Group

There are two Schools in the Deal and Sandwich non-selective planning group: Goodwin Academy and Sandwich Technology School. Forecasts suggest a small deficit of Year 7 places in the 2024-25 academic year which can be met within existing schools. Consented and proposed developments in Sandwich and the neighbouring villages of Eastry and Ash together account for potentially over 1,000 new homes. If additional non-selective secondary school provision is required, this could be via the expansion of Sandwich Technology School, but to do this additional land would be required.

Dover Selective Planning Group

Selective provision is provided by three schools: Dover Boys Grammar, Dover Girls Grammar and Sir Roger Manwood's Grammar. There is forecast to be sufficient places in this sector throughout the forecast period, although any significant increase in house building will change this situation.

Planned Commissioning - Dover

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Whitfield and North Dover			Expansion of Whitfield Aspen Satellite by 1FE		New 2FE primary school in Whitfield	
Dover East					0.3FE expansion of Guston CE Primary School	
Aylesham				Up to 1FE additional provision in Aylesham		
Sandwich and Eastry					1FE Sandwich planning group	
Dover Non-selective					2FE at Dover Christ Church academy	
Specialist Resourced Provision	30 place Secondary SRP PSCN expansion					

8.5. Folkestone and Hythe

District commentary

- The birth rate in Folkestone and Hythe (2021) increased 2 points from the previous year. The number of recorded births (2022) has fallen by 25 births form the previous year and is 277 births below the 2012 peak.

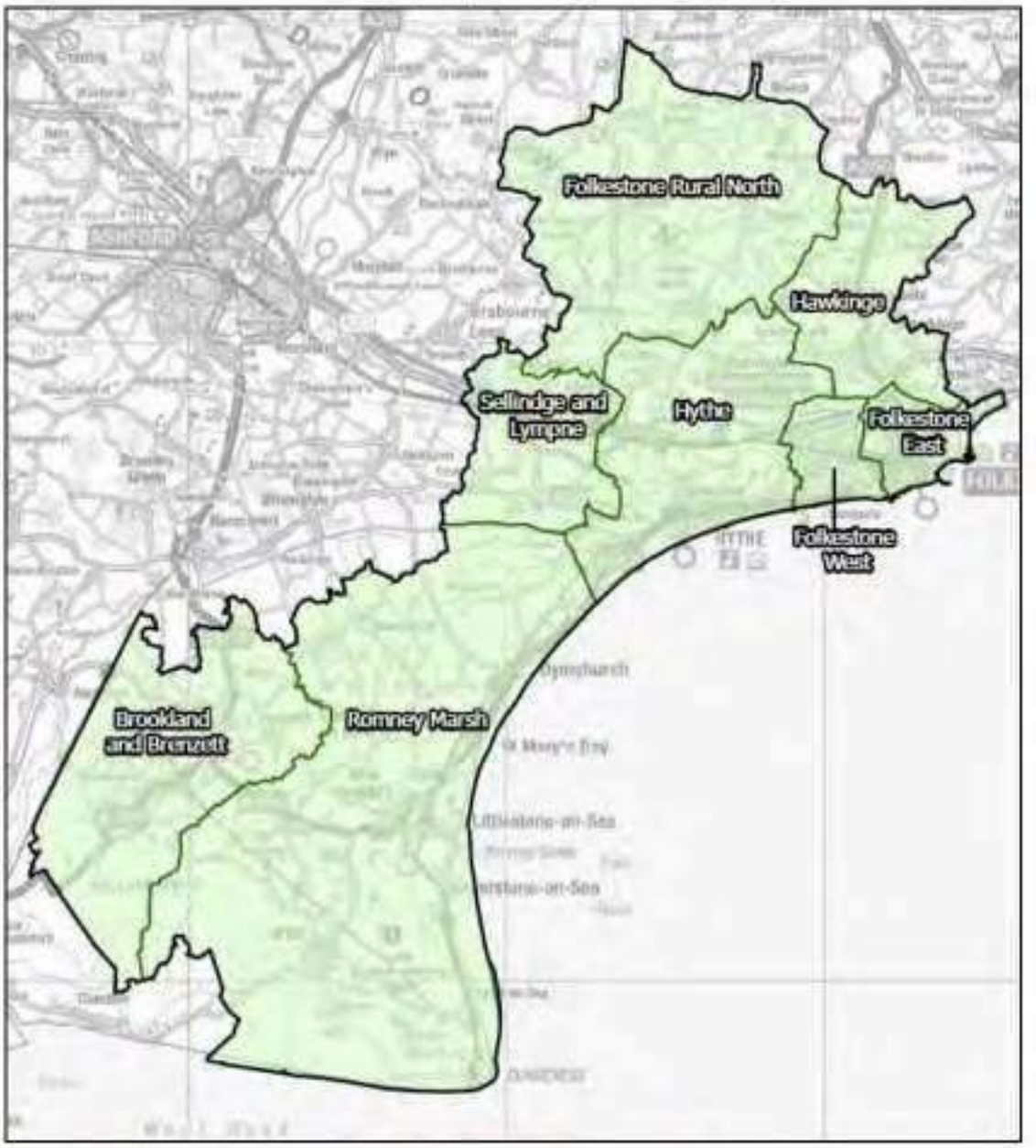
- Forecast indicate that around 20% of primary school places will be surplus across the District throughout the Plan period.

- Within the secondary sector, we forecast a small deficit of non-selective secondary school places in both Folkestone and Hythe and Romney Marsh at different points. We will be able to manage this within existing schools.

- The adopted Core Strategy (2022) sets out a long-term vision for the District from 2019/20 to 2036/37. The indicative housing trajectory in the Core Strategy suggest that 13,407 new dwellings could be delivered in the period 2019/20 to 2036/37, with Otterpool Park accounting for 5,593 of these dwellings. This would be an average of 745 per annum. During the period 2011/12 to 2020/21 an average of 341 homes were completed per annum (Kent Analytics Statistical Bulletin May 2023).

- Plans for the Garden Village at Otterpool Park continue to progress. The level of development would require significant educational infrastructure across not only primary and secondary phases, but also early years and special education needs provision. We continue to work with the District Council and the promoter of the site to identify how and when new provision will be required.

Map of the Folkestone and Hythe primary planning groups



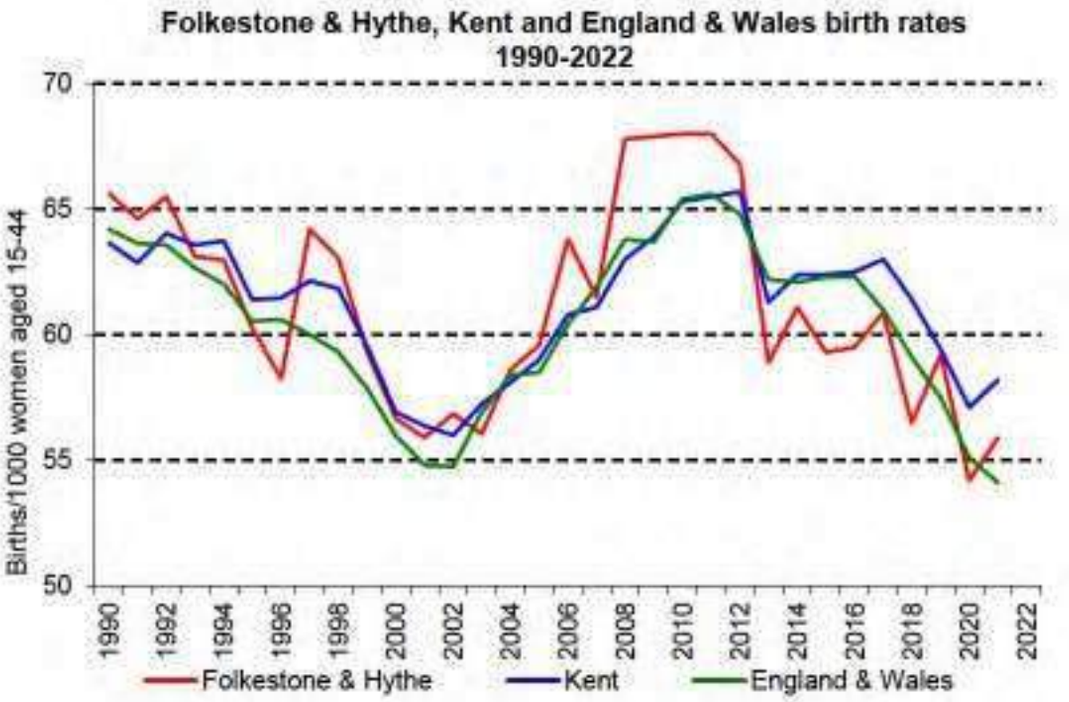
Folkestone and Hythe primary schools by planning group

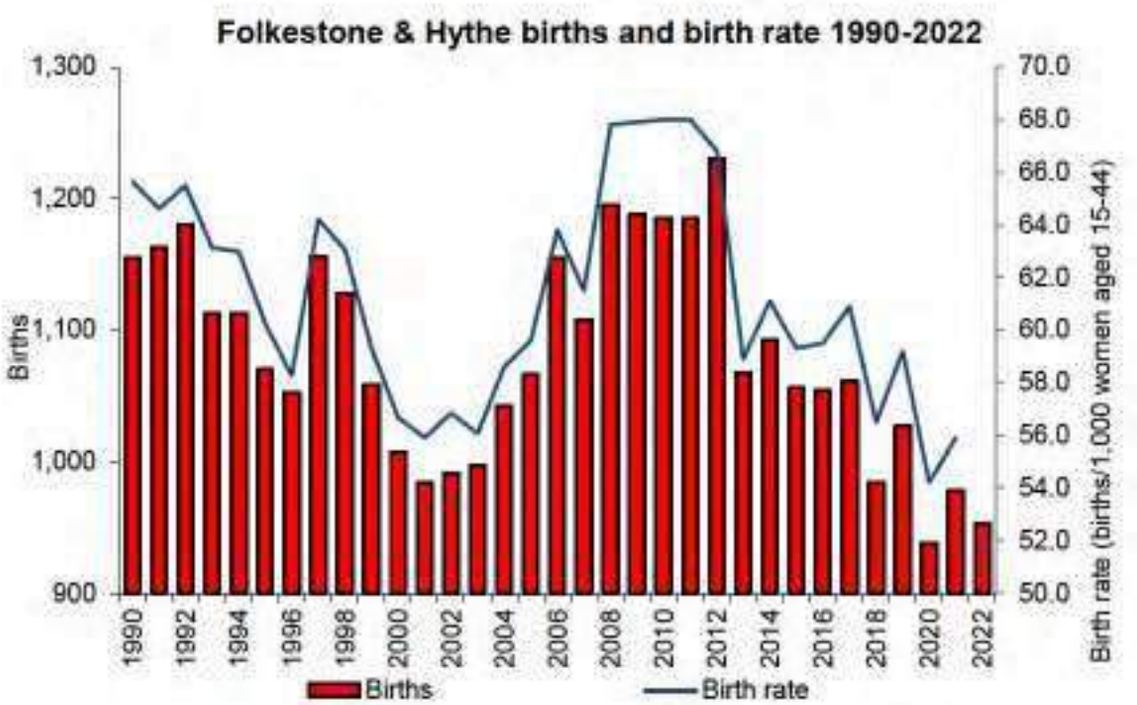
Planning Groups	School	Status
Folkestone East	Castle Hill Community Primary School	Community
	Christ Church CE Academy	Academy
	Folkestone Primary Academy	Academy
	Martello Primary School	Academy
	Mundella Primary School	Academy
	St. Eanswythe's CE Primary School	Academy
	St. Mary's CE Primary Academy (Folkestone)	Academy
	St. Peter's CE Primary School (Folkestone)	Voluntary Controlled
	Stella Maris RC Primary School	Academy
Folkestone West	All Souls' CE Primary School	Academy
	Cheriton Primary School	Foundation
	Harcourt Primary School	Foundation
	Morehall Primary School	Academy
	Sandgate Primary School	Community

Planning Groups	School	Status
	St. Martin's CE Primary School (Folkestone)	Voluntary Controlled
Hawkinge	Churchill School (Hawkinge)	Foundation
	Hawkinge Primary School	Foundation
	Selsted CE Primary School	Voluntary Controlled
Folkestone Rural North	Bodsham CE Primary School	Voluntary Controlled
	Elham CE Primary School	Voluntary Aided
	Lyminge CE Primary School	Voluntary Controlled
	Stelling Minnis CE Primary School	Voluntary Controlled
	Stowting CE Primary School	Voluntary Controlled
Hythe	Hythe Bay CE Primary School	Voluntary Controlled
	Palmarsh Primary School	Community
	Saltwood CE Primary School	Voluntary Aided
	Seabrook CE Primary School	Voluntary Controlled
	St. Augustine's RC Primary School (Hythe)	Acacdemy
Sellindge and Lympne	Lympne CE Primary School	Voluntary Controlled
	Sellindge Primary School	Community
Romney Marsh	Dymchurch Primary School	Academy
	Greatstone Primary School	Foundation
	Lydd Primary School	Academy
	St. Nicholas CE Primary Academy	Academy
Brookland and Brenzett	Brenzett CE Primary School	Academy
	Brookland CE Primary School	Voluntary Controlled

Birth rate and birth analysis

The charts below set out the birth rates for the District and the number of recorded births.





Folkestone and Hythe Analysis

Primary - Year R surplus/deficit capacity if no further action is taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Folkestone East	373	69	59	87	84	93	95	97	98	100	101	101	373
Folkestone West	285	62	27	33	42	33	31	29	28	26	24	23	255
Hawkinge	135	22	35	41	30	34	34	35	34	34	34	34	135
Folkestone Rural North	93	13	20	19	19	8	9	9	10	11	11	12	93
Hythe	140	9	-3	30	24	9	4	1	1	0	1	1	140
Sellindge and Lympne	60	11	2	4	-1	-9	-9	-10	-10	-10	-10	-9	60
Romney Marsh	187	41	59	62	68	85	86	87	88	89	90	91	187
Brookland and Brenzett	35	10	11	9	9	10	11	11	11	11	12	12	35
Folkestone & Hythe	**1,308**	**237**	**210**	**284**	**275**	**265**	**261**	**259**	**261**	**261**	**263**	**264**	**1,278**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Folkestone and Hythe Non-Selective	625	21	-15	-14	34	43	14	36	79	56	122	115	625
Romney Marsh Non-Selective	180	-15	-19	-22	-15	3	1	-20	-8	7	13	18	180
Folkestone & Hythe District Selective	330	-26	33	34	31	30	33	30	31	30	34	31	330

Primary District Commentary

Folkestone and Hythe District Analysis - Primary
We forecast a significant surplus of Year R places with around 20% capacity across the Plan period. Some planning groups forecast to see over one quarter of their Year R capacity vacant in the coming years.

As schools are primarily funded on the number of pupils on roll, low Year R numbers will impact on future budgets with some schools choosing to reduce their published admissions numbers. If required, we will work with schools both maintained by KCC and those led by academy trusts to reduce published admission numbers in areas of significant surplus places.

Folkestone West and Folkestone East Planning Groups
The Folkestone East and West planning groups cover the Town. Forecasts suggest that there will be significant surplus places across both planning groups throughout the Plan period. There is land and developer contributions for a new 2FE primary school at Shorncliffe Heights (Folkestone West). However, given the forecast level of surplus places, it is unlikely this will come forward in this decade.

Sellindge and Lympne Planning Group
Current forecasts are showing a small deficit of Year R places from 2025-26 onwards. This is later than was forecast in the previous Plan. Developer contributed land and funding will enable Sellindge Primary School to accommodate the additional pupils when required.

Romney Marsh Planning Group
Forecasts suggest a significant surplus of Year R places throughout the Plan period with up to 48% surplus Year R places by the end of the Plan period. The District's Core Strategy provides for just under 600 new homes in the Romney Marsh planning group. In the short to medium term, we will work with schools in the planning group to manage the high levels of surplus primary school places forecast.

Hythe Planning Group
At the end of the Plan period, we are forecasting less than 2% surplus places. It is expected that there would be sufficient places for residents in the planning group with those further afield gaining places near to their homes.

Secondary District Commentary

Folkestone and Hythe Non-Selective Planning Group
There are three schools in the Folkestone and Hythe non-selective planning group: Brockhill Park Performing Arts College, Folkestone Academy and The Turner Free School.

Forecasts suggest there will be a small deficit of non-selective Year 7 early in the Plan period. We will work with existing academy trusts to increase provision if required.

Romney Marsh Non-Selective Planning Group
There is one non-selective school in the planning group: The Marsh Academy.

Forecasts suggest there could be a small deficit of Year 7 places in some years across the Plan period. The Academy Admissions Policy identifies a 'priority zone' which prioritises the admission of pupils who reside in towns and villages surrounding Romney Marsh.

Therefore, we anticipate there will be sufficient places for local pupils to be admitted whilst those travelling from further afield will be eased back into more local schools.

Folkestone and Hythe Selective Planning Group

There are two selective schools in the District: Folkestone Girls Grammar and Harvey Grammar.

Forecasts suggest there will be sufficient Year 7 places available throughout the Plan period.

Planned Commissioning – Folkestone and Hythe

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Folkestone West Primary						2FE new provision in Shorncliffe
Specialist Resourced Provision	30 place Secondary ASD SRP					

8.6. Gravesham

Borough Summary

- The Gravesham birth rate and number of births have fallen sharply since 2019, but remain above the county and national figures.

- Forecasts indicate that there are sufficient Year R places across the Primary planning groups. Small pockets of deficits are forecast, but will be covered by adjacent planning groups.

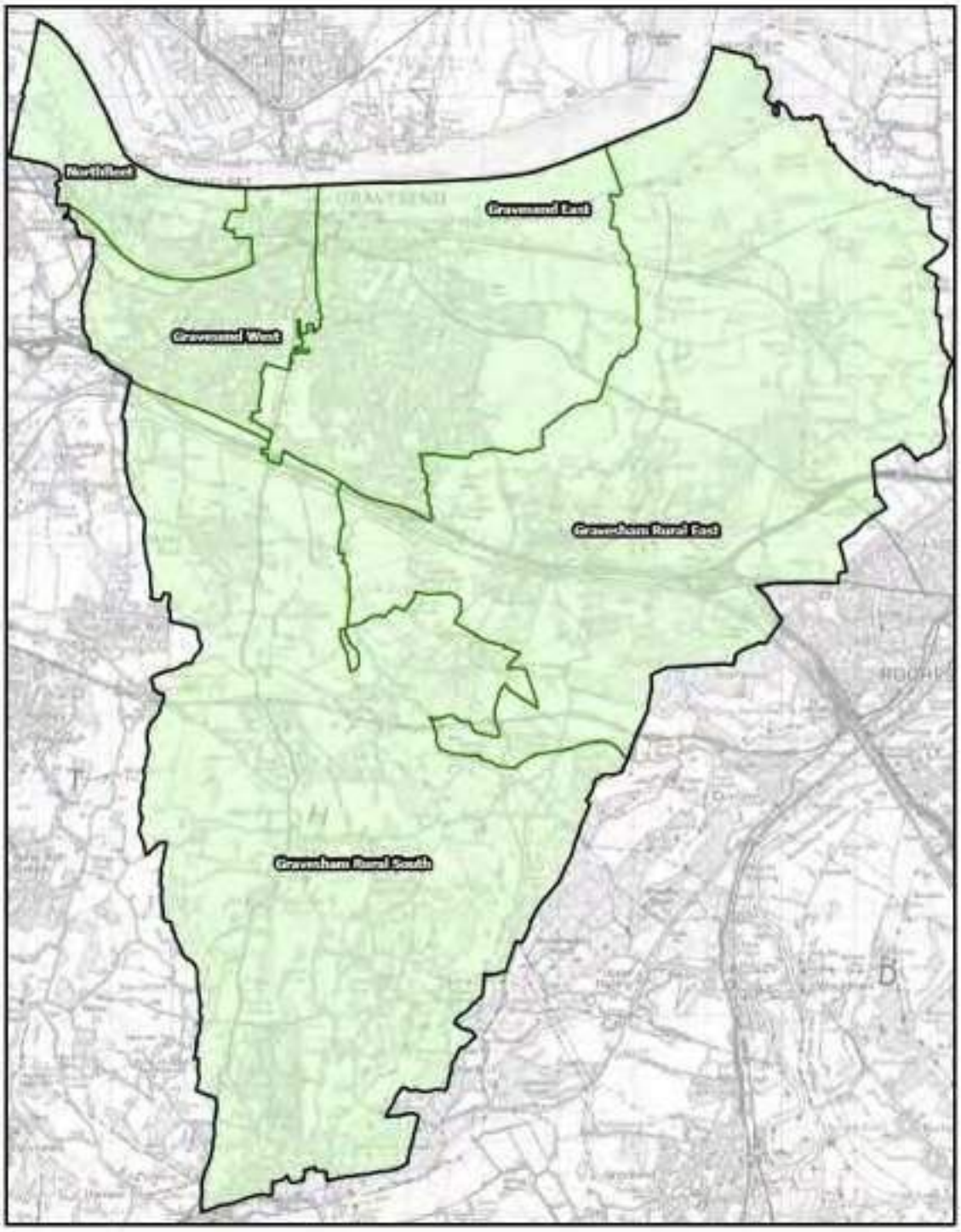
- Demand for non-selective Secondary provision in Gravesham continues to increase, necessitating additional capacity. Selective secondary school rolls are also forecast to increase, but any options for creating additional selective capacity will be extremely challenging and KCC may be only able to ensure that the Local Authority statutory duty to provide sufficient places, of any type, is met.

- The current Gravesham Borough Council (GBC) Local Plan, adopted September 2014, states an intention to build 6,170 dwellings between 2011 to 2028. About 20% of the Ebbsfleet Development Corporation area is sited in Gravesham. During the 5-year period 2013-18 a total of 1,023 houses were completed with an average of 205 per annum.

- A new Local Plan is expected to be published within 18 months and KCC will work with GBC to ensure that sufficient school places are available.

- Prior to the Covid pandemic, a significant factor to primary and secondary demand in Gravesham Borough, was the migration from urban centres in Greater London to locations such as Gravesham Borough. Migration reduced significantly during the pandemic, but it is not unreasonable to suggest that post Covid, migration will pick up, possibly to pre-Covid levels.

Gravesham Primary Schools by Planning Group

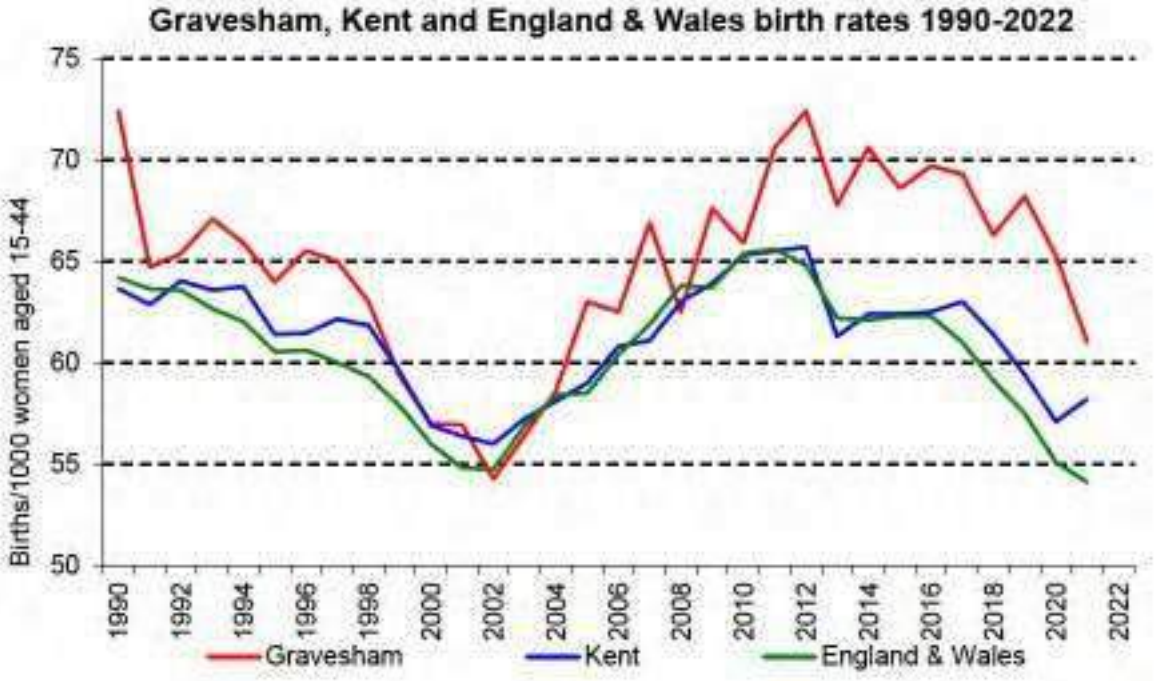


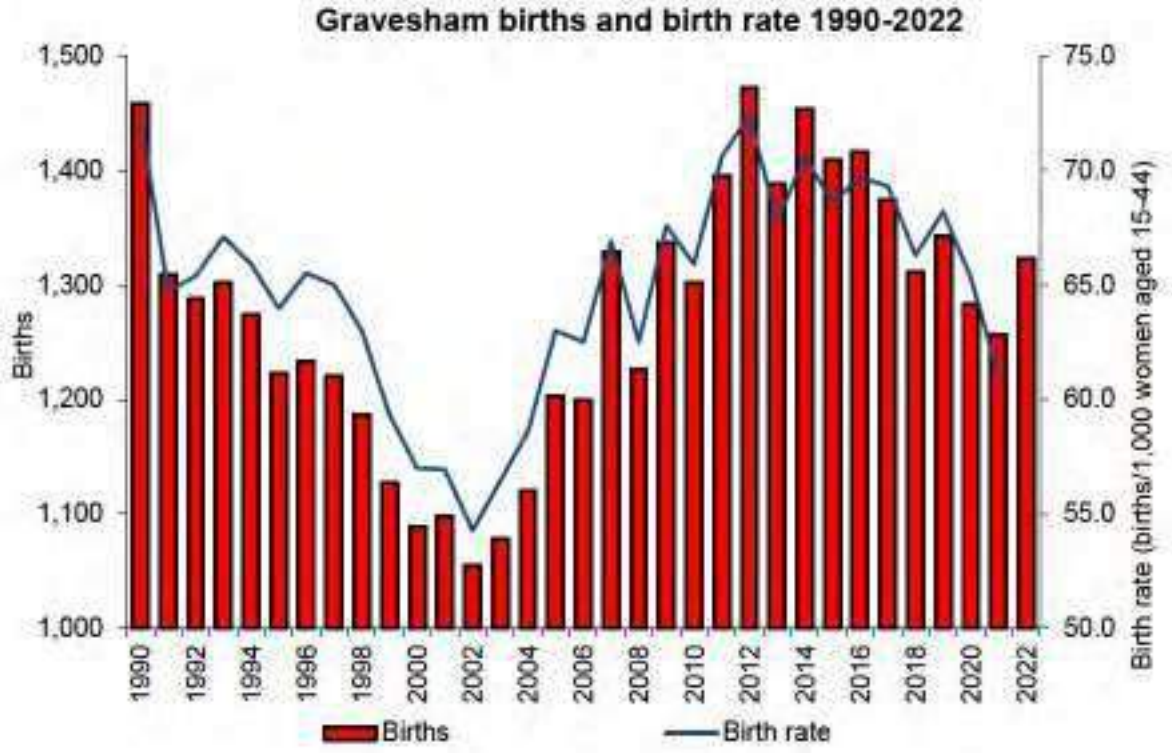
Planning Group	School	Status
Gravesend East	Chantry Community Academy	Academy
	Holy Trinity CE Primary School (Gravesend)	Academy
	Kings Farm Primary School	Community
	Riverview Infant School	Academy
	Riverview Junior School	Academy
	Singlewell Primary School	Community
	St. John's RC Primary School (Gravesend)	Academy
	Tymberwood Academy	Academy
	Westcourt Primary School	Academy

Planning Group	School	Status
	Whitehill Primary School	Academy
Gravesend West	Cecil Road Primary School	Community
	Copperfield Academy	Academy
	Painters Ash Primary School	Community
	Saint George's CE Primary School (Gravesend)	Academy
	Shears Green Infant School	Academy
	Shears Green Junior School	Community
	Springhead Park Primary School	Free
	Wrotham Road Primary School	Academy
Northfleet	Lawn Primary School	Community
	Rosherville CE Primary Academy	Academy
	St. Botolph's CE Primary School (Gravesend)	Academy
	St. Joseph's RC Primary School (Northfleet)	Academy
Gravesham Rural East	Higham Primary School	Community
	Shorne CE Primary School	Academy
Gravesham Rural South	Cobham Primary School	Community
	Culverstone Green Primary School	Academy
	Istead Rise Primary School	Academy
	Meopham Community Academy	Academy
	Vigo Village School	Community

Birth Rate and Birth Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Gravesham Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Gravesend East	682	133	103	81	105	99	106	109	112	114	116	117	652
Gravesend West	444	15	82	85	72	77	80	83	85	87	89	90	474
Northfleet	140	8	7	1	7	-5	-4	-3	-3	-2	-2	-1	140
Gravesham Rural East	60	0	-12	-4	-8	0	0	0	0	0	0	0	60
Gravesham Rural South	180	15	25	2	5	1	4	5	7	9	11	14	180
Gravesham	**1,506**	**171**	**206**	**165**	**181**	**172**	**185**	**194**	**202**	**209**	**214**	**219**	**1,506**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Gravesham and Longfield Non-Selective	1,340	38	-96	-27	-82	-119	-138	-143	-96	-62	-79	-89	1,340
Gravesham and Longfield Selective	420	-16	-66	-39	-62	-72	-79	-82	-70	-60	-67	-71	420

Primary District commentary

Recent forecasts have indicated a stabilisation of demand that leaves a surplus of Year R capacity across the Borough for the duration of the Plan period. However locally, Gravesham Rural East and Northfleet planning groups indicate small deficits from September 2023.

Gravesham is expected to publish a new local plan within the next two years. In addition to that, new housing development on the Northfleet Embankment and Gravesend Canal Basin will see demand for Primary School places increase. To support the growth in the Northfleet Embankment area, KCC will be commissioning additional provision by relocating and enlarging Rosherville Church of England Academy onto a new site.

New housing in the Coldharbour area will generate some additional need for Year R places. This will be accommodated within the recently opened second FE of primary provision at Saint George's CE School.

Northfleet Planning Group
The planning group indicates a small deficit every year. This will largely be managed by using capacity in adjacent planning groups that show a surplus, such as Gravesend West.

In addition, new housing at the Harbour Village and Cable Wharf developments will require new provision. Rosherville Church of England Academy has a PAN of 20. This will be increased initially to 1FE and then to 2 FE as required, and a new school will be built a short distance away from the existing school, on the site of the old Rosherville Gardens.

Gravesham Rural East Planning Group
The planning group indicates either no surplus or a small deficit every year. Expansion of schools in the planning group is not considered viable, because it would create surpluses that could affect other schools' abilities to manage their budgets. The deficits will largely be managed by using capacity in adjacent planning groups that show a surplus, such as Gravesend East.

Secondary District Commentary

There is one selective and one non-selective planning group that cover the Gravesham area. See appendix 13.2 for the secondary planning group maps.

Gravesham and Longfield Non-Selective Planning Group
There are seven schools in the Gravesham and Longfield non-selective planning group: Longfield Academy, Meopham School, Northfleet Technology College, Northfleet School for Girls, Thamesview School, Saint George's CE School and Saint John's Catholic Comprehensive School.

The planning group is in deficit for the duration of the Plan period. The deficit is 1FE for September 2024, but that deficit increases to 3FE for 2025, and continues to increase to 4FE for 2026, 4.5FE for 2027 and 5FE for 2028. After 2028, the deficit is forecast to decline, but remain at approximately 3FE for the remainder of the Plan period.

For 2024, KCC will commission a second permanent 1FE at Thamesview School, taking the school to 7FE. An additional 2FE will be required in the planning group for 2025, and it is anticipated these will be 1FE at St George's CE School and 1FE at Northfleet Technology College.

In 2026, another 1FE of provision will be required, followed by a further 1FE in 2027. The deficit in 2028 will need to be handled by a bulge year, because that forecast deficit reduces by 2FE for the following year.

Longer term, KCC may need to consider new provision depending on the publication of the Gravesham Local Plan. KCC will monitor the forecasts as the new Gravesham Local Plan becomes clear.

Gravesham and Longfield Selective Planning Group

There are two schools in the Gravesham and Longfield selective planning group: Gravesend Grammar School and the Mayfield Grammar School.

The planning group is in deficit for the whole of the planning period. For September 2024, the deficit is 1.5FE. This deficit increases to 2 – 2.5FE deficit for the entirety of the Plan period.

Following expansions to Mayfield Grammar School and the ongoing expansion of Gravesend Grammar School, both Gravesham Grammar Schools are at their capacity and cannot be expanded further. Therefore, this demand, will need to be managed across Borough boundaries or by expansion to existing schools onto other sites, thus creating new Grammar satellites.

Such further expansions will be extremely challenging and KCC will seek to ensure that there is sufficient provision, even if that provision is non-selective. No new grammar schools can be built according to current government legislation.

As previously explained in the Dartford section of this Commissioning Plan, due to the pressures being anticipated across both the Gravesham and Longfield and North West Kent Selective Planning Groups, KCC will seek to commission 6FE additional Grammar places for 2026. This could be facilitated through the creation of satellites. However, options to do this are extremely limited and would be logistically challenging and expensive.

Special Educational Needs

Demand for special school places, for all categories remains high. KCC needed to commission a new 250 place special school for Profound Severe and Complex Needs for 2025. A site for a new school was identified in North Sevenoaks and a bid was subsequently submitted for a new Special Free School through KCC's Safety Valve submission. The bid was successful, and it is anticipated the new school will be opened by 2026 at the latest.

Given the nature of Special Schools and the distances that students travel to receive an appropriate education, the provision is being designed to cater for students in the whole North Kent area.

Planned Commissioning – Gravesham

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Northfleet		0.3FE (10 additional permanent places) at Rosherville CE Academy			1FE at Rosherville CE Academy	

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Gravesham and Longfield Non-Selective	1 FE permanent expansion Thamesview School	1FE permanent expansion at St George's CE School 1FE at Northfleet Technology College	1FE Permanent expansion	1FE Permanent expansion	30 places as a bulge year	
Special Education Needs			1 x New 250 place special school for PSCN covering all of North Kent (repeated from the Sevenoaks section)			

8.7. Maidstone

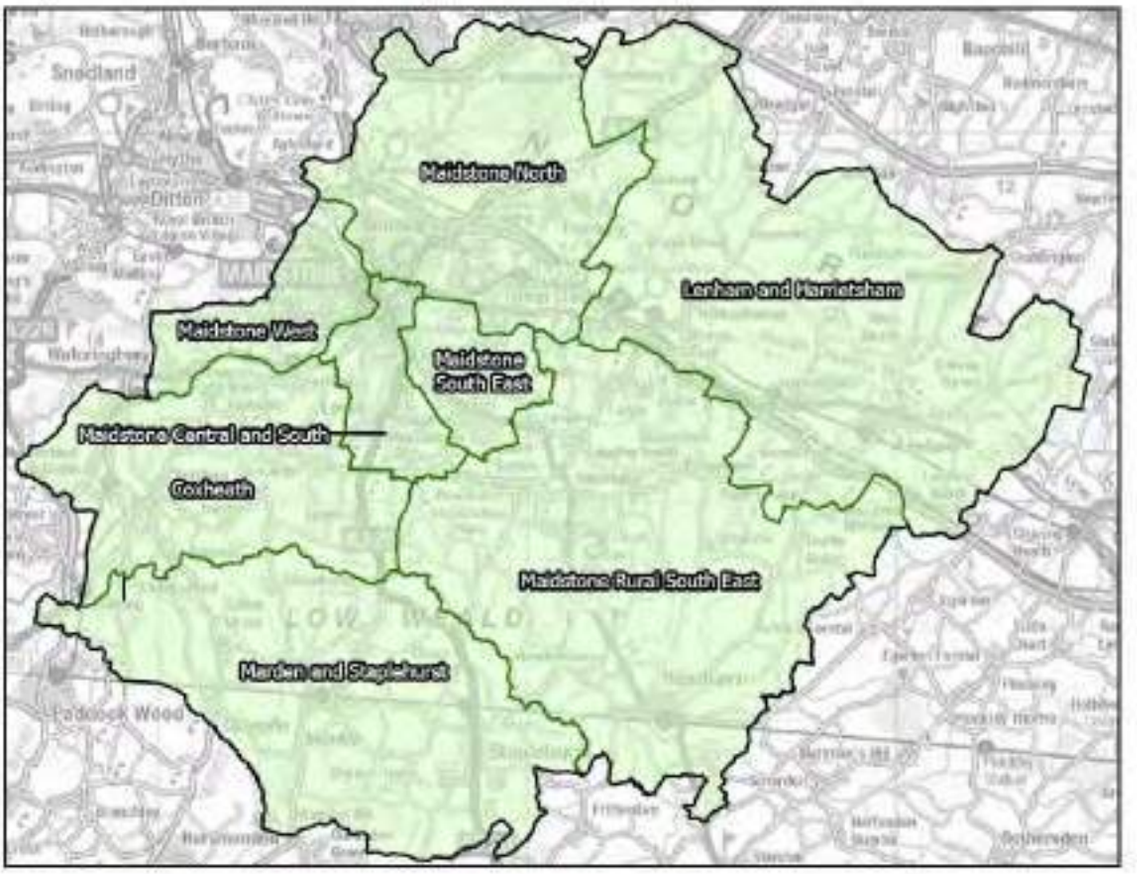
Borough commentary

- The birth rate in Maidstone dropped sharply in 2019 and 2020, in line with the County and National trend. However, the birth rates and the number of births increased significantly in 2021 before dropping back marginally in 2022.

- We forecast sufficient primary school places across the Borough throughout the Plan period. However, there is pressure for places forecast within some planning groups. Within the secondary sector, we forecast a pressure for places in both the non-selective and selective sectors.

- Maidstone Borough Council's Local Plan was formally adopted in October 2017, setting out the scale and location of proposed development up to 2031. The Borough is planning for around 17,500 dwellings or just under 900 per annum. During the 5 year period 2015-16 to 2019-20 a total of 6,084 houses were completed which is an average of 1,216 per year and is above the 900 average required. However, it is worth noting that the average housing delivery was significantly below the required level during the initial years of the Plan period. The Borough undertook a review of its Local Plan that was submitted to the Secretary of State for independent examination on Thursday 31 March 2022; the review identifies further locations for additional housing growth that is not included within the forecasts presented.

Map of the Maidstone Primary Planning Groups



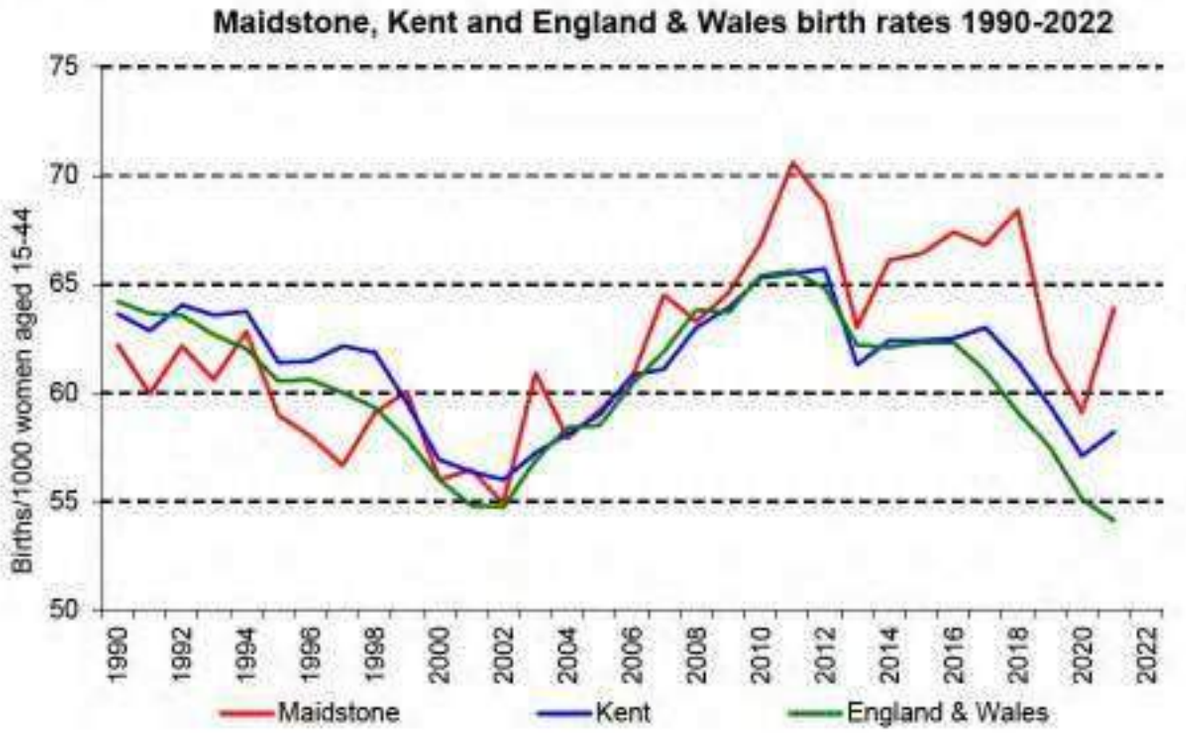
Maidstone Primary Schools by Planning Group

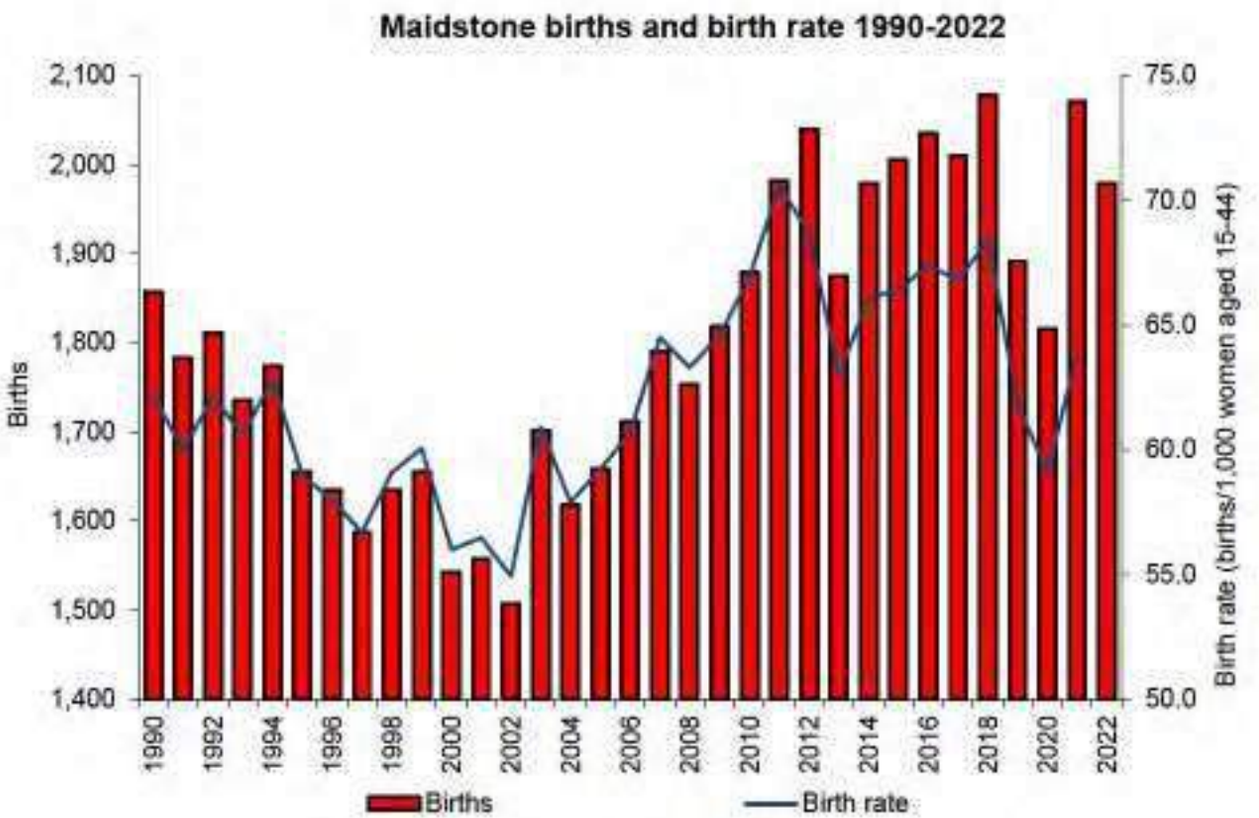
Planning Groups	School	Status
Maidstone Central and South	Archbishop Courtenay CE Primary School	Academy
	Boughton Monchelsea Primary School	Community
	Loose Primary School	Community
	South Borough Primary School	Academy
	Tiger Primary School	Free
Maidstone North	Bearsted Primary Academy	Free
	Bredhurst CE Primary School	Voluntary Controlled
	Madginford Primary School	Community
	North Borough Junior School	Community
	Roseacre Junior School	Foundation
	Sandling Primary School	Community
	St. John's CE Primary School (Maidstone)	Academy
	St. Paul's Infant School	Community
	Thurnham CE Infant School	Voluntary Controlled
	Valley Invicta Primary School at East Borough	Academy
Maidstone West	Allington Primary School	Academy
	Barming Primary School	Academy
	Brunswick House Primary School	Community
	Jubilee Primary School	Free
	Palace Wood Primary School	Community
	St. Francis' RC School	Voluntary Aided
	St. Michael's CE Infant School	Voluntary Controlled
	St. Michael's CE Junior School	Voluntary Controlled

Planning Groups	School	Status
	West Borough Primary School	Community
Maidstone South East	Greenfields Community Primary School	Community
	Holy Family RC Primary School	Academy
	Langley Park Primary Academy	Academy
	Molehill Primary Academy	Academy
	Oaks Primary Academy	Academy
	Park Way Primary School	Community
	Senacre Wood Primary School	Community
	Tree Tops Primary Academy	Academy
Lenham and Harrietsham	Harrietsham CE Primary School	Voluntary Controlled
	Hollingbourne Primary School	Community
	Lenham Primary School	Community
	Platts Heath Primary School	Community
Coxheath	Coxheath Primary School	Community
	East Farleigh Primary School	Community
	Hunton CE Primary School	Voluntary Aided
	Yalding St. Peter and St. Paul CE Primary School	Voluntary Controlled
Marden and Staplehurst	Laddingford St. Mary's CE Primary School	Voluntary Controlled
	Marden Primary Academy	Academy
	St. Margaret's Collier Street CE Primary School	Voluntary Controlled
	Staplehurst School	Community
Maidstone Rural South East	Headcorn Primary School	Community
	Kingswood Primary School	Community
	Leeds and Broomfield CE Primary School	Voluntary Controlled
	Sutton Valence Primary School	Community
	Ulcombe CE Primary School	Voluntary Controlled

Birth Rate and Births Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Maidstone Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Maidstone Central and South	285	-1	10	17	32	21	21	21	20	18	17	16	285
Maidstone North	525	5	34	26	62	55	61	67	70	75	79	84	525
Maidstone West	460	7	20	58	66	32	32	33	32	32	31	31	460
Maidstone South East	327	9	17	19	50	26	24	23	20	17	14	12	327
Lenham and Harrietsham	118	22	16	26	9	8	6	6	4	3	2	1	118
Coxheath	129	-1	-8	-22	-34	-28	-29	-30	-32	-33	-34	-35	129
Marden and Staplehurst	145	1	8	12	-30	-23	-27	-30	-34	-38	-40	-43	165
Maidstone Rural South East	140	11	14	-7	5	-9	-10	-11	-12	-13	-13	-13	140
Maidstone	**2,129**	**53**	**111**	**130**	**161**	**83**	**78**	**78**	**67**	**60**	**56**	**53**	**2,149**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Maidstone Non-Selective	1,560	-20	-148	-129	-160	-195	-241	-288	-320	-257	-238	-199	1,530
Maidstone and Malling Selective	785	9	13	18	12	5	-22	-33	-44	-27	-30	-9	815

Primary District commentary

Overall, forecasts indicate that there will be sufficient places for Year R across the Plan period for the Maidstone district. However, there is pressure for places within the rural planning groups.

We also anticipate additional pressure from permitted developments across the town centre area of Maidstone. There are numerous projects scheduled and on-going to convert retail and office spaces into new residential dwellings under permitted development. This will potentially increase the demand for primary places across the Maidstone town centre area in excess of that indicated in the forecasts and has placed in-year pressure on schools as school-aged children move to the town.

Maidstone West Planning Group
In the longer term, housing developments on the Maidstone side of Hermitage Lane will necessitate up to 2FE of additional provision. Land has been secured that would enable a 2FE primary school to be established on a site to the East of Hermitage Lane, known as Chapel Field. However, based on the current rate of housing growth, it is currently not expected to be required within the Plan period, this will continue to be reviewed as houses are occupied. The location on the boundary between Maidstone and Tonbridge and Malling means that it is important to consider demand arising from housing growth local to the site in both Maidstone North and East Malling when anticipating the timing of the school's establishment.

Lenham and Harrietsham Planning Group
The forecast for the planning group indicates that a surplus of 26 places in 2024-25 drops sharply in 2025-26 to just 9 places and this small surplus continues to diminish gradually throughout the Plan period. We will monitor the situation carefully to assess whether additional provision is needed and, subject to a review of future forecast demand, will commission an expansion of an existing school in 2026-27. This demand will be dependent on the pace and school of housing development.

Marden and Staplehurst Planning Group
The planning group forecast to have a small surplus until 2025-26 when it moves to a 30 place deficit. The deficit drops below 30 places in 2026-27 and 2027-28, but then reverts to 30 in 2028-29 and is forecast to slowly increase for the remainder of the Plan period. We have commission 20 additional places at Marden Primary Academy from September 2024 and will commission up to 30 additional places within the existing schools in the planning group.

Coxheath Planning Group
There is a deficit of around 1 FE forecast throughout the Plan period. We will seek to offer up to 30 additional temporary places in the initial year of the Plan period to ensure sufficient places for the short-term, before commissioning a 1FE permanent expansion of an existing school in 2025-26.

Maidstone Rural South East Planning Group
The planning group is forecast to have a deficit of places for the Plan period apart from in 2025-26 when a small surplus is anticipated. The deficit increases slowly from 9 places in 2026-27 but is below half a form of entry by the end of the Plan period. We will monitor the situation carefully to assess whether additional provision is needed, however, we anticipate that there will be sufficient places in neighbouring planning groups to meet the demand.

Secondary District Commentary

There are two planning groups which are within Maidstone Borough, one non-selective and one selective (See appendix 12.2 for the non-selective and selective planning group maps). The commentary below outlines the forecast position for each of the planning groups.

Maidstone Non-Selective Planning Group
There are eight schools in the Maidstone non-selective planning group: Cornwallis Academy, The Lenham School, Maplesden Noakes School, New Line Learning Academy, School of Science and Technology, St. Augustine Academy, St. Simon Stock Catholic School and Valley Park School.

The planning group is in deficit throughout the Plan period. There is an initial fluctuation between a 148 place deficit in 2023-24, that drops to 129 in 2024-25 and then the deficit gradually increases to a high of 320 places (greater than 10 FE) in 2029-30. After 2029-30, the longer-term forecast suggests that the deficit will decrease towards the end of the Plan period to 199 places in 2032-33.

In recent years, schools within this planning group have admitted over PAN, creating additional capacity. We anticipate this pattern to continue and will accommodate some of the forecast deficit. However, up to 90 temporary places via bulge provision within the existing Secondary schools will be needed to meet the demand for places during the initial years.

In the medium term, it will be necessary to commission up to 3 FE of permanent provision from 2025-26 in existing Secondary schools to meet the ongoing demand within the planning group. In the longer term we anticipate the need for the establishment of a new secondary school from 2027 and will seek to work with partners, including the DfE, to identify an appropriate location within the Borough over the coming year.

Maidstone and Malling Selective Planning Group
There are four schools in the Maidstone selective planning group: Invicta Grammar School, Maidstone Grammar School, Maidstone Grammar School for Girls and Oakwood Park Grammar School.

The forecast for the planning group indicates that there will be sufficient places through to 2026-27. However, from 2027-28 there is a fluctuating deficit of around a 1 FE forecast through to almost the end of Plan period. Therefore, in the longer term, it may be necessary to expand an existing school by 1 FE. This will be dependent on the pace and school of housing development.

Planned Commissioning – Maidstone

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Maidstone West				New 2FE School on East of Hermitage Lane		
Lenham and Harrietsham Planning Group			1 FE permanent expansion of existing school			
Marden and Staplehurst	20 Places at Marden Primary Academy	Up to 30 permanent Places				
Coxheath	Up to 30 temporary places	1FE permanent expansion of existing school				
Maidstone Non-Selective Planning Group	Up to 90 temporary Year 7 places in existing schools	Up to 3 FE expansion within existing schools		Establishment of new 6FE secondary school		
Maidstone and Malling Selective Planning Group				1 FE permanent expansion of existing school		

8.8. Sevenoaks

District Summary

- The birth rate in Sevenoaks declined from 2018 to 2020, albeit the rate was above the County and National averages. In 2021 the rate rose considerably and returned near to the 2018 rate. The number of births has followed a similar pattern with a drop from 2018, before a recovery in 2021, but then falling back in 2022.

- There are significant surplus Year R places in the district across the Plan period. KCC will seek to establish local admission arrangements to enable schools to manage numbers, where surpluses may appear excessive. However, KCC is cognisant of the imminent publication of the Sevenoaks Local Plan (see below).

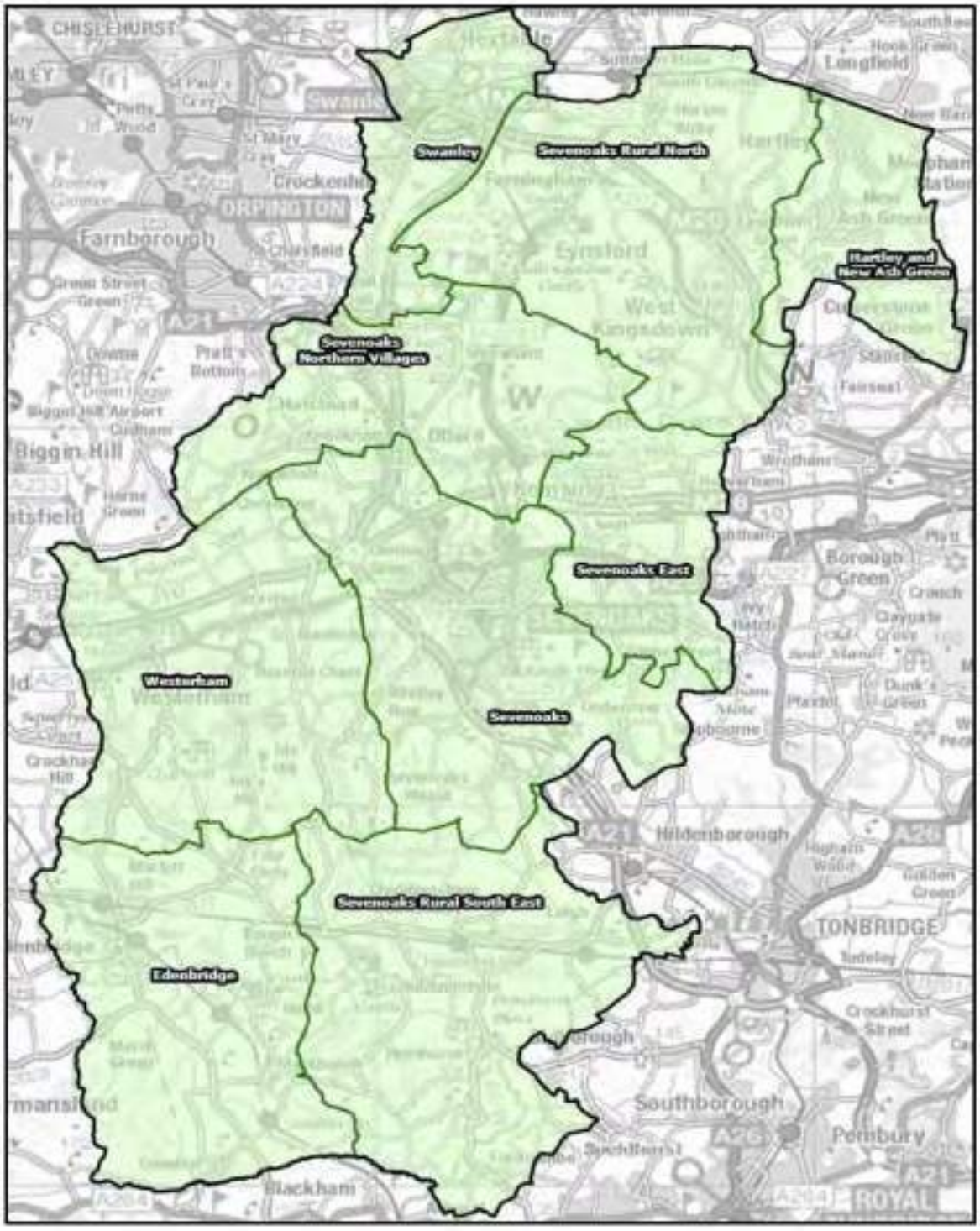
- The Sevenoaks and Borough Green Non-Selective Planning Group is forecast to have a surplus of Year 7 secondary places throughout much of the Plan period.

- The first year of the Plan period in the Dartford and Swanley Non-Selective planning group, shows a small surplus. This becomes a deficit from September 2025, peaking at 3FE in 2028. There is a forecast deficit of places for the West Kent Selective planning group during the Plan period.

- Sevenoaks District Council is expected to publish a new Local Plan over the next 18 months that will indicate building a significant number of new dwellings in the years up to 2035. A consultation on the Infrastructure Delivery Plan is underway, to identify the essential community infrastructure that will be required, this plan suggests that about 10,000 new homes will be provided by the Local Plan.

- Prior to the publication of the new plan, new housing development sites are being identified with Fort Halstead, Four Elms Road and Sevenoaks Quarry being progressed before the new plan is published. Both Fort Halstead and Sevenoaks Quarry sites have the potential for a new Primary School if the demand for new provision materialises..

Map of the Sevenoaks Primary Planning Groups



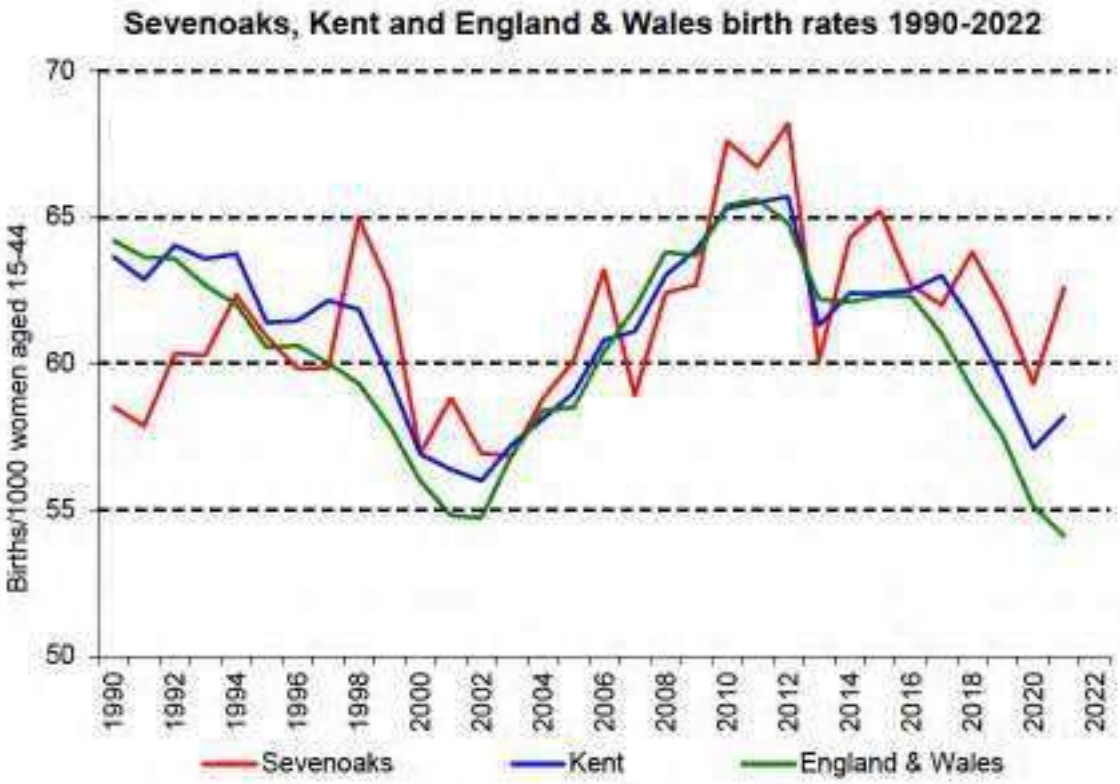
Sevenoaks Primary Schools by Planning Group

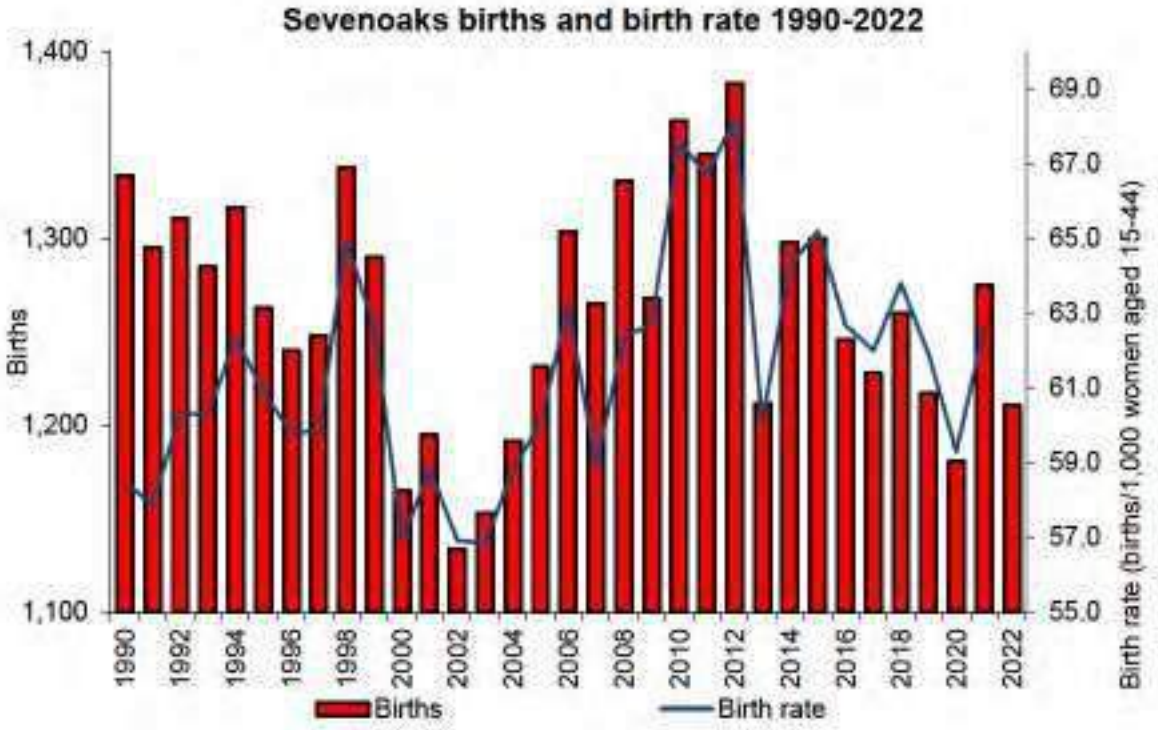
Planning group	School	Status
Swanley	Crockenhill Primary School	Community
	Downsview Community Primary School	Community
	Hextable Primary School	Community
	High Firs Primary School	Community
	Horizon Primary Academy	Academy
	St. Bartholomew's RC Primary School	Voluntary Aided
	St. Mary's CE Primary School (Swanley)	Voluntary Aided
	St. Paul's CE Primary School	Voluntary Controlled

Planning group	School	Status
Sevenoaks Rural North	Anthony Roper Primary School	Foundation
	Fawkham CE Primary School	Voluntary Controlled
	Horton Kirby CE Primary School	Academy
	St. Edmund's Church of England Primary School	Voluntary Controlled
Hartley and New Ash Green	Hartley Primary Academy	Academy
	New Ash Green Primary School	Community
	Our Lady of Hartley RC Primary School	Academy
Sevenoaks Northern Villages	Halstead Community Primary School	Academy
	Otford Primary School	Community
	Shoreham Village School	Community
	St. Katharine's Knockholt CE Primary School	Voluntary Aided
Sevenoaks East	Kemsing Primary School	Community
	Seal CE Primary School	Voluntary Controlled
	St. Lawrence CE Primary School	Voluntary Controlled
Sevenoaks	Amherst School	Academy
	Chevening St. Botolph's CE Primary School	Voluntary Aided
	Dunton Green Primary School	Community
	Lady Boswell's CE Primary School	Voluntary Aided
	Riverhead Infant School	Community
	Sevenoaks Primary School	Community
	St. John's CE Primary School (Sevenoaks)	Voluntary Controlled
	St. Thomas' RC Primary School (Sevenoaks)	Academy
	Weald Community Primary School	Community
Westerham	Churchill CE Primary School (Westerham)	Voluntary Controlled
	Crockham Hill CE Primary School	Voluntary Controlled
	Ide Hill CE Primary School	Voluntary Aided
	Sundridge and Brasted CE Primary School	Voluntary Controlled
Edenbridge	Edenbridge Primary School	Academy
	Four Elms Primary School	Community
	Hever CE Primary School	Voluntary Aided
Sevenoaks Rural South East	Chiddingstone CE School	Academy
	Fordcombe CE Primary School	Academy
	Leigh Primary School	Community
	Penshurst CE Primary School	Voluntary Aided

Birth Rate and Births Analysis

The charts below set out the birth rates for the district and the number of recorded births.





Sevenoaks Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Swanley	305	25	16	35	13	2	0	-2	-3	-3	-3	-3	300
Sevenoaks Rural North	135	20	19	16	0	0	2	4	6	9	11	14	120
Hartley and New Ash Green	150	2	24	24	10	29	33	36	39	43	47	50	150
Sevenoaks Northern Villages	130	56	46	51	45	50	50	49	49	49	50	51	130
Sevenoaks East	102	15	19	23	9	20	20	19	19	19	20	20	102
Sevenoaks	390	58	44	106	92	83	79	74	70	66	61	57	390
Westerham	117	35	33	6	14	18	18	18	17	17	16	16	87
Edenbridge	105	7	5	21	7	5	5	4	3	2	2	1	105
Sevenoaks Rural South East	83	14	5	5	13	8	8	8	8	8	9	9	83
Sevenoaks	**1,517**	**232**	**210**	**288**	**201**	**216**	**213**	**209**	**208**	**210**	**212**	**215**	**1,467**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Dartford and Swanley Non-Selective	1,260	11	16	36	-2	-15	-34	-100	-45	-65	-25	-52	1,260
Sevenoaks and Borough Green Non-Selective	585	-20	6	-22	40	8	23	31	38	46	79	38	630
West Kent Selective	1,265	-26	-48	-22	-7	-53	-40	-29	-6	5	70	51	1,235

Primary District commentary

The Year R forecast indicates that no additional new Primary capacity is needed. If the levels of surplus forecast persist it could lead to individual schools facing viability issues, if their intakes are significantly reduced for a prolonged period. KCC is working with schools across the district to monitor the situation and to take mitigating action where necessary.

However, forecasts do not take into account any further new housing development that Sevenoaks District Council (SDC) may approve, prior to the publication of its new Local Plan, and any new housing that may be included in the new Sevenoaks District Local Plan. Two consented sites in Fort Halstead and Sevenoaks Quarry will create demand for Primary places. KCC is in discussion with Sevenoaks District Council on how best to accommodate this. A third significant housing development site on the Four Elms Road in Edenbridge is also expected to be delivered before the plan is published. This will add to the demand for primary provision, but it is likely that it can be managed locally. KCC will be assessing the impact of this development against existing capacity.

Where there is the potential for demand to exceed capacity, for example, in Edenbridge, such demand currently looks as if it can be accommodated in adjacent planning groups. This situation will be monitored and may be re-assessed following publication of the Local Plan. Until KCC has assessed the new Local Plan, it would be unwise to propose significant reduction of capacity in existing primary schools.

Swanley Planning Group
There will be a small deficit in Year R places from 2028, but this will be managed through local arrangements within existing schools should this become necessary.

Secondary District Commentary
There are two non-selective and one selective Secondary planning groups that are fully or partially within Sevenoaks District. See appendix 13.2 for the secondary planning group maps.

Sevenoaks has traditionally had a shortfall in capacity for both selective and non-selective, with a number of students who are resident in Sevenoaks, travelling out of the district to attend selective or faith education. However, in 2021 the completion of the new satellite of Tunbridge Wells Grammar School for Boys provided both boys and girls (via the existing Weald of Kent Grammar School satellite) grammar places on the Sevenoaks Campus.

Dartford and Swanley Non-Selective Planning Group
There are seven schools in the Dartford and Swanley non-selective planning group: Dartford Science and Technology College, Ebbsfleet Academy, Inspiration Academy, Leigh Academy, Orchards Academy, Stone Lodge School and Wilmington Academy. All the schools are in Dartford Borough, except for Orchards Academy which is in Sevenoaks District.

Demand is manageable without any intervention for the next two years, but provision falls into deficit from 2025, but only marginally. This demand increases to more than 1FE from 2027, and then there is a significant increase from 2028.

To manage this demand, KCC will be proposing to commission 2FE of permanent provision at the Leigh Academy for 2025.

A new 8FE all-ability secondary school, within the Ebbsfleet Garden City development (on the Alkerden campus), is due to open in September 2025, initially offering 4FE of non-selective provision in Year 7. This will be provided with temporary accommodation, but it is anticipated that the school will move to the permanent school site a year later. This school was

commissioned to provide places for the increased student population, primarily from the new housing, and includes the provision required for housing that has not been consented and therefore is not included in the forecasts.

This school will expand to its maximum capacity of 8FE, the timing of which will be subject to the demand from new housing, but will likely be from 2027.

Sevenoaks and Borough Green Non-Selective Planning Group
There are three schools in the Sevenoaks and Borough Green non-selective planning group: Knole Academy, Wrotham School and Trinity School.

The forecast indicates fluctuating demand for Year 7 places throughout the Plan period. There is a deficit of 22 places forecast in 2024-25 and small surpluses though the remainder of the Plan period. We will also work with existing schools to offer bulge provision of up to 30 places to meet the deficit in 2024-25.

A key factor in this planning group is the Sevenoaks Local Plan, which has been explained above. Should the Sevenoaks Local Plan be agreed in the near future, additional housing will see the secondary need increase. Feasibility studies are being undertaken on several sites, to ensure the Council can react if this happens.

No decisions can be made until the Local Plan is published, but it is possible that the solution lies in Edenbridge where there is a site that could be available for a new secondary school. The commissioning of a new school in Edenbridge depends on viability of a new school. Currently, there is insufficient demand in Edenbridge and its environs to support a new secondary school. If sufficient new housing was outlined in the new Local Plan, KCC will again consider whether a new school in Edenbridge is viable.

West Kent Selective Planning Group
There are six schools in the planning group: Judd School, Tonbridge Grammar School, Weald of Kent Grammar School, Skinners' School, Tunbridge Wells Girls' Grammar School and Tunbridge Wells Grammar School for Boys.

The forecast indicates that there will be fluctuating deficits through to 2030-31 when there is a forecast surplus. We anticipate that these forecast deficits will be met through commissioned bulge provision in existing schools where necessary or own admission authorities offering over their PAN. We will keep the need for additional permanent capacity under review.

Special Educational Needs
Demand for special school places, for all categories remains high. KCC needed to commission a new 250 place special school for Profound Severe and Complex Needs for 2025. The old Birchwood Primary School site on Russell Way in Swanley was identified as suitable, and a bid was subsequently submitted for a new Special School through KCC's Safety Valve submission. The bid for DfE funding was successful, and it is anticipated the new school will be opened by September 2026. A provider will be chosen by the DfE through open competition during this year. Given the nature of Special Schools and the distances that students travel to receive an appropriate education, the provision will be designed to cater for students in the whole North Kent area.

There are currently no primary Specialist Resourced Provisions (SRP) in Sevenoaks District. KCC is currently conducting a review of SRP provision across Kent. Should needs be identified, KCC will ensure new provision is commissioned, where possible, throughout the Plan period.

Planned Commissioning – Sevenoaks

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Dartford and Swanley Non-Selective Planning Group		4FE new provision at Alkerden 2FE permanent expansion at Leigh Academy		2FE expansion at Alkerden	2FE expansion at Alkerden	
Sevenoaks and Borough Green Non-Selective Planning Group	Up to 30 temporary Year 7 places					
West Kent Selective			Up to 60 temporary places	Up to 30 temporary places		
Special Schools			1 x New 250 place special school for Profound Severe and Complex Needs covering all of North Kent			

8.9. Swale

District commentary

- The birth rate for Swale remains slightly above the County average and follows a similar pattern with a sharply declining rate from 2016 to 2020, before recovering moderately in 2021. The number of births recorded follows a similar pattern.

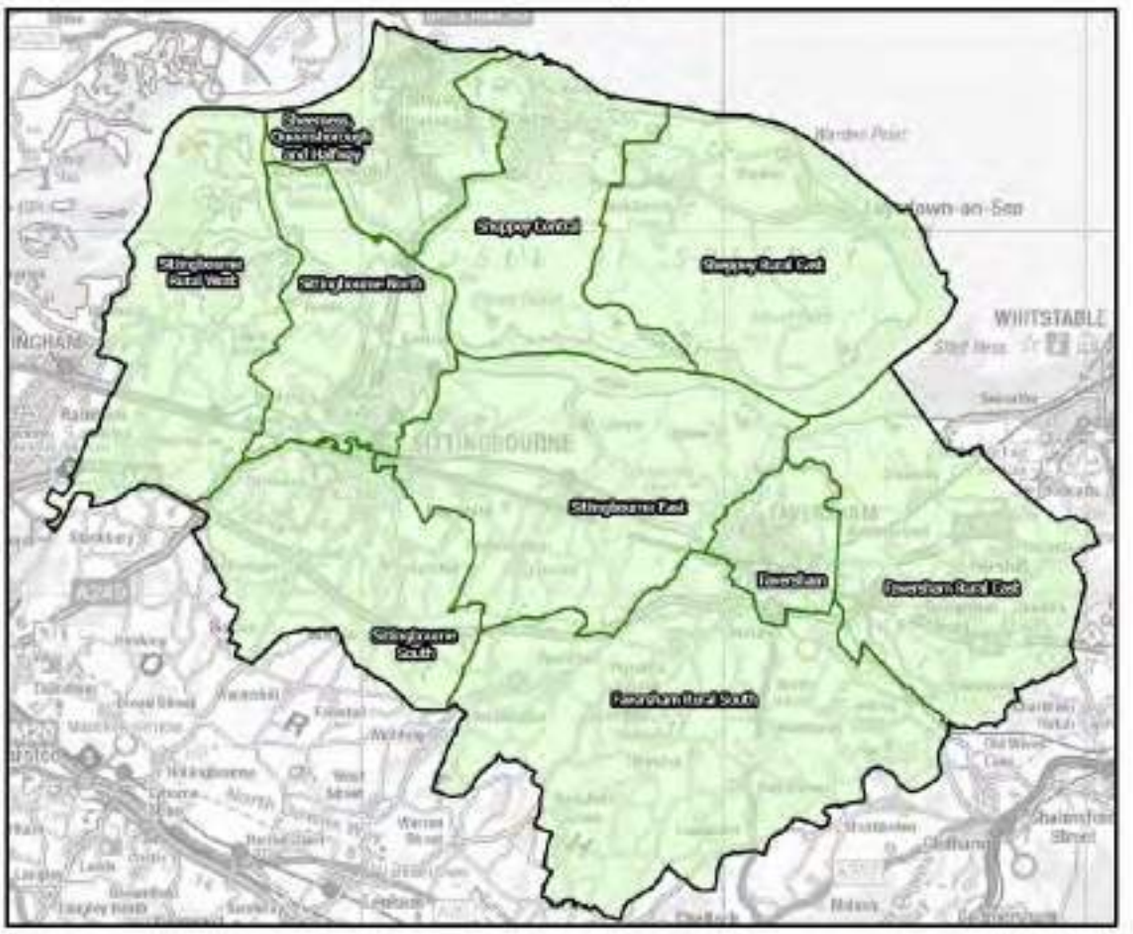
- We forecast surplus primary places across the District throughout the Plan period with up to 302 places (10FE) for Year R in 2025/26, however there are variances across the planning groups.

- Within the secondary sector, we forecast a pressure in the Sittingbourne non-selective planning group of up to -160 places (5.3FE) in 2027/28 whilst for the Isle of Sheppey we forecast a surplus of places across the plan period with up to 136 (4.5FE) in 2031/32

- Swale Borough Council's Local Plan, adopted in July 2017, proposes a total of 13,192 new homes over the Plan period to 2031 with approximately 776 dwellings per year. During the 2011/12 to 2020/21 a total of 5,753 houses were completed (NET) with an average of 575 dwellings per year.

- Swale Borough Council is in the process of reviewing the current Swale Local Plan. The Local Plan Review will set out the planning framework for the borough for the period to 2038.

Map of the Swale Primary Planning Groups



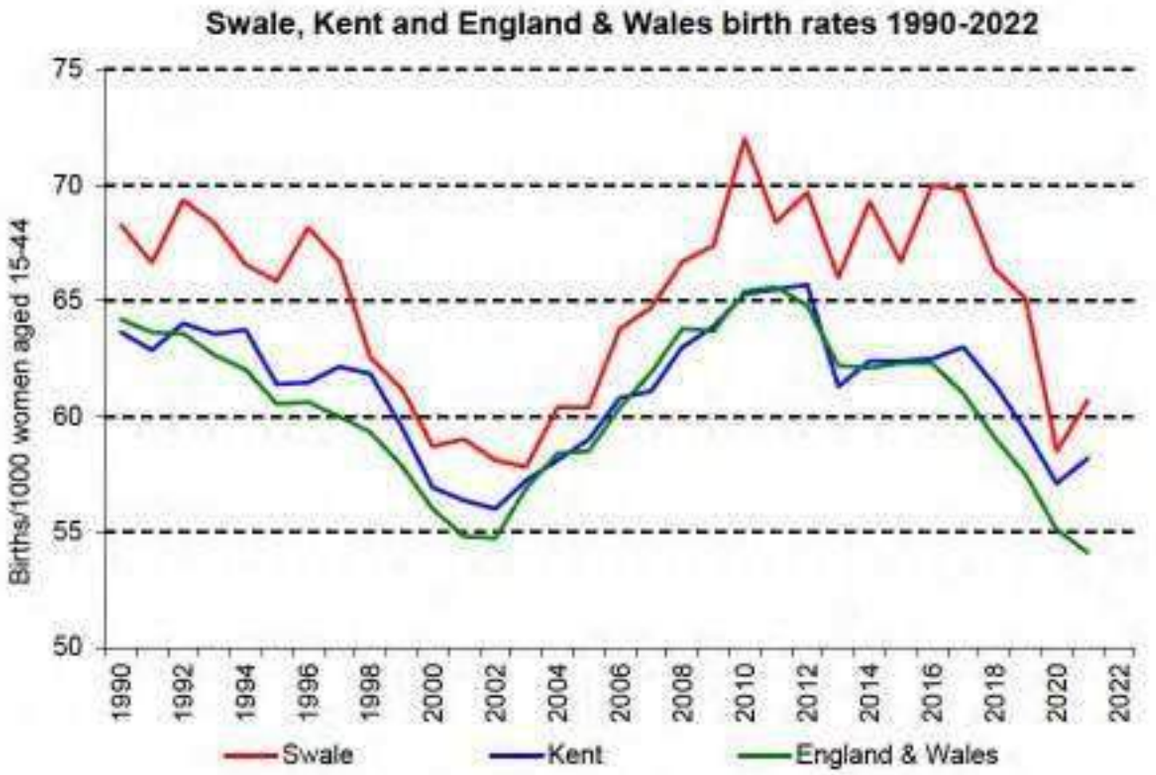
Swale Primary Schools by Planning Group

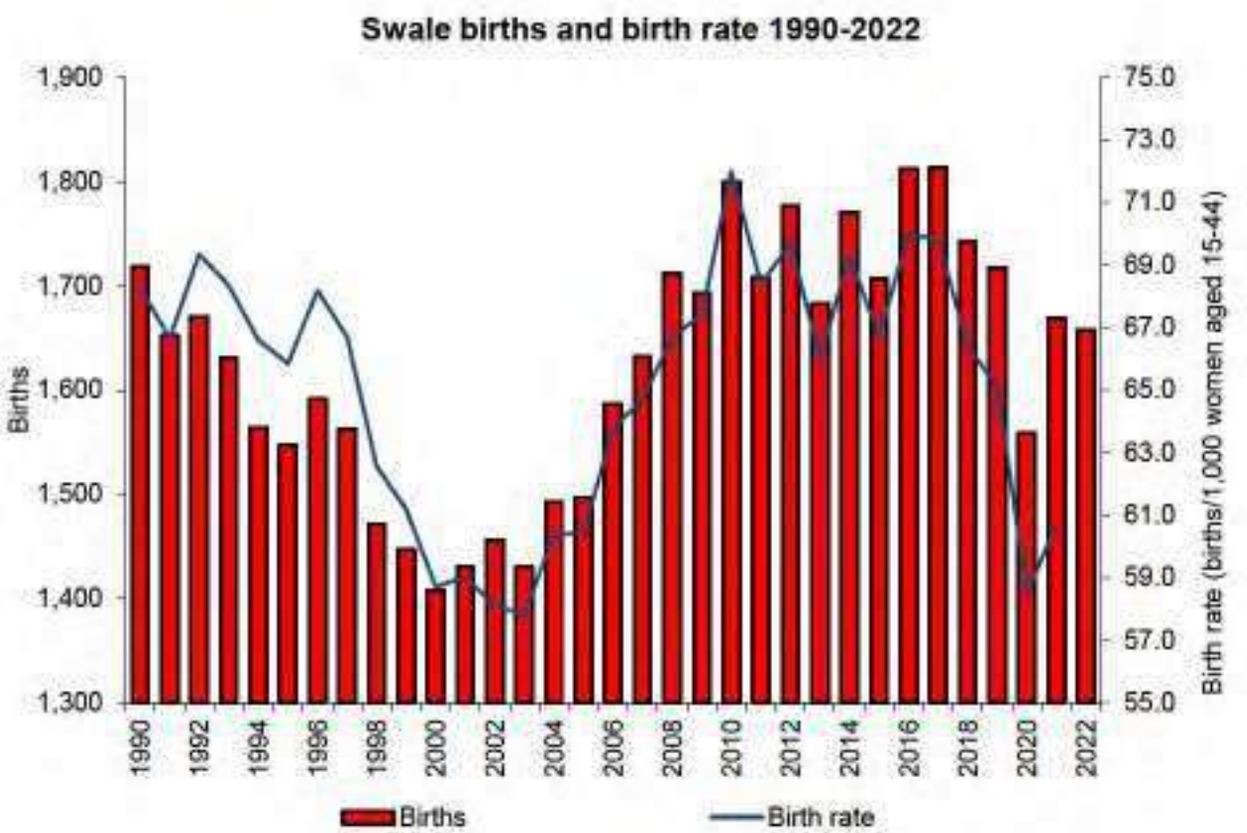
Planning groups	School	Status
Faversham	Bysing Wood Primary School	Academy
	Davington Primary School	Community
	Ethelbert Road Primary School	Community
	Luddenham School	Academy
	Ospringe CE Primary School	Voluntary Controlled
	St. Mary of Charity CE Primary School	Academy
Faversham Rural East	Boughton-under-Blean and Dunkirk Primary School	Voluntary Controlled
	Graveney Primary School	Academy
	Hernhill CE Primary School	Voluntary Controlled
Faversham Rural South	Eastling Primary School	Community
	Selling CE Primary School	Academy
	Sheldwich Primary School	Academy
Sittingbourne East	Bapchild and Tonge CE Primary School	Voluntary Aided
	Canterbury Road Primary School	Community
	Lansdowne Primary School	Academy
	Lynsted and Norton Primary School	Academy
	South Avenue Primary School	Academy
	Sunny Bank Primary School	Academy
	Teynham Parochial CE Primary School	Voluntary Controlled
Sittingbourne South	Borden CE Primary School	Academy
	Bredgar CE Primary School	Academy
	Milstead and Frinsted CE Primary School	Academy

Planning groups	School	Status
	Minterne Community Junior School	Academy
	Oaks Community Infant School	Academy
	Rodmersham Primary School	Community
	St. Peter's RC Primary School (Sittingbourne)	Academy
	Tunstall CE Primary School	Voluntary Aided
	Westlands Primary School	Academy
Sittingbourne North	Bobbing Village School	Academy
	Grove Park Primary School	Academy
	Iwade School	Academy
	Kemsley Primary Academy	Academy
	Milton Court Primary Academy	Academy
	Regis Manor Primary School	Academy
Sittingbourne Rural West	Hartlip Endowed CE Primary School	Voluntary Aided
	Holywell Primary School	Academy
	Lower Halstow Primary School	Community
	Newington CE Primary School	Voluntary Controlled
Sheerness, Queenborough and Halfway	Halfway Houses Primary School	Academy
	Queenborough School	Academy
	Richmond Academy	Academy
	Rose Street Primary School	Community
	St. Edward's RC Primary School	Academy
	West Minster Primary School	Community
Sheppey central	Minster in Sheppey Primary School	Academy
	St. George's CE Primary School (Minster)	Academy
	Thistle Hill Academy	Academy
Sheppey Rural East	Eastchurch CE Primary School	Academy
	St Clements CE Primary School	Academy

Birth Rate and Births Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Swale Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Faversham	240	38	4	36	13	12	15	18	19	20	22	23	240
Faversham Rural East	75	5	8	10	15	12	12	13	13	14	15	16	75
Faversham Rural South	75	14	11	-1	1	1	2	2	2	3	4	4	60
Sittingbourne East	275	65	16	62	54	55	55	54	53	52	50	49	270
Sittingbourne South	300	-2	-9	25	16	3	3	2	0	-1	-2	-3	300
Sittingbourne North	330	15	14	34	36	35	33	30	26	22	18	14	330
Sittingbourne Rural West	105	8	5	-5	-5	-1	-1	-2	-2	-3	-2	-2	105
Sheerness, Queenborough and Halfway	390	78	63	54	89	101	102	102	102	102	103	103	360
Sheppey Central	210	15	28	61	70	50	51	51	51	51	51	51	210
Sheppey Rural East	60	12	16	18	14	9	9	8	8	7	7	6	60
Swale	**2,060**	**248**	**156**	**293**	**302**	**278**	**281**	**278**	**272**	**268**	**265**	**260**	**2,010**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Faversham Non-Selective	210	34	7	1	12	13	-27	-13	-10	-42	-12	-28	210
Isle of Sheppey Non-Selective	390	130	89	78	105	108	112	105	107	110	136	155	390
Sittingbourne Non-Selective	810	-26	-123	-93	-118	-75	-160	-121	-94	-136	-44	-40	765
Canterbury and Faversham Selective	615	-29	14	19	33	16	-24	-2	-11	-27	18	-3	645
Sittingbourne and Sheppey Selective	300	30	-24	8	7	21	-4	13	12	4	36	39	300

Primary District Commentary

Forecasts indicate that across Swale district there will be surplus capacity for Year R throughout the plan period. Year R surplus capacity peaks at 302 places 15% (10FE) in in 2025-26 for the district, however there are differences across the primary planning groups with place pressures in Sittingbourne Rural West and surplus capacity in Sheerness, Queenborough and Halfway of 3FE from 2025.

Faversham Planning Groups
Across the 3 Faversham planning groups a surplus of places is forecast. Forecasts indicate up to 1.5FE of surplus capacity from 2024-25 continuing throughout the plan period. There are several housing developments and strategic sites in Faversham. Dependent on the rate of build- out and occupation of these sites, it is likely that there will be a need for additional capacity to the east of Faversham as current spare capacity is to the west of the town. Feasibilities have been undertaken for the future expansion of St Mary's of Charity by 1FE to meet this need when required.

Sittingbourne East Planning Group
Forecasts indicate a surplus of up to 2FE Year R places in Sittingbourne East Planning Group throughout the plan period. It is anticipated that new housing developments in the planning area will increase the pressure on places. It is proposed to expand Sunny Bank Primary School by 0.5FE to meet this need when it arises. A 1FE expansion of Teynham Primary School, combined with a rebuild of the school, is planned to meet the demand that will arise linked to the housing developments in and around Teynham.

Sittingbourne South Planning Group
Forecasts indicate a 0.8FE surplus of Year R places in Sittingbourne South Planning Group in 2024/25. It then shows a growing pressure on places across the Plan period with a deficit of places from 2030/2031 onwards. In the short-term, surplus capacity in neighbouring planning groups will support the need for places. It is anticipated that in the medium to long term, as new housing developments are built and occupied in the planning area, a new 2FE primary school will be required to serve the need from the Wises Lane development.

Sittingbourne North Planning Group
Forecasts indicate a surplus of between 1FE in 2024/25 reducing through the plan period to 0.5FE. A new 2FE primary provision as part of an all-through school is to be established later in the Plan period on the Quinton Road development to provide primary places for this development of 1,400 new homes.

Sittingbourne Rural West Planning Group
Forecasts show a deficit of places of up to 0.2FE across the forecast period from 2024/2025. It is anticipated that surplus capacity in adjacent primary planning areas will provide sufficient places across the plan period.

Sheerness, Queenborough and Halfway, Sheppey Central and Sheppey Rural East Planning Groups
Forecasts indicate a surplus of places of between 4.4FE and 5.3FE across these three planning groups throughout the plan period. Discussions will take place with the schools on managing this surplus to ensure all schools remain viable.

Secondary District Commentary

There are five planning groups within Swale district, or which cross the district boundary (See appendix 13.2 for the non-selective and selective planning group maps). Three of which are

non-selective (Faversham, Isle of Sheppey and Sittingbourne) and two selective (Sittingbourne and Sheppey, and Canterbury and Faversham). The commentary below outlines the forecast position for each of the planning groups.

Faversham Non-Selective Planning Group
The Abbey School is the only non-selective school in Faversham.

Forecasts indicate from 2027/28 a pressure on places of up to 1FE continuing throughout the plan period. All the housing developments for Faversham identified in the current Local Plan are being built-out and a 1FE permanent expansion of The Abbey School will be required with a further 1FE of capacity potentially required to meet the need later in the forecast period as housing occupations increase.

Isle of Sheppey Non-Selective Planning Group
The Oasis Isle of Sheppey Academy is the only non-selective school in the Isle of Sheppey planning group. It is a large wide-ability school operating on two sites.

Proposals to replace the current school with two smaller non-selective secondary schools, one at 6FE on the Minster site and the other at 5FE on the Sheerness site (a reduction in 2FE of capacity overall), to be run by two Trusts (Leigh Academy Trust and East Kent College Schools Trust respectively) are under consultation. Should the proposal be agreed, the new schools would open from September 2024.

Forecasts for Year 7 show a continuing surplus of places over the Plan period of between 2.6FE to 5FE against the current capacity of 13FE. This surplus will help to address the deficit in the Sittingbourne non-selective planning area. The forecast surplus places are a direct result of the increasing number of pupils travelling off the Isle of Sheppey for their education into Sittingbourne schools. This results in additional pressure on places in the Sittingbourne non-selective planning group schools. We will continue to work with Oasis Academy Trust, DfE, Regional Director, Swale Borough Council, the incoming Trusts and other local parties to address this issue. The current proposals are part of plans to address the situation and to help reverse the level of travel off the Island to secondary schools in Sittingbourne.

Sittingbourne Non-Selective Planning Group
There are three schools in the Sittingbourne non-selective planning group: Fulston Manor School, The Westlands School and The Sittingbourne School.

Forecasts indicate that for Year 7 there is a fluctuating deficit of places over the Plan period. In 2024 forecasts shows a deficit of -93 (3FE) places rising to a peak of -160 (5.3FE) in 2027/8. The pressure showing in Sittingbourne is exacerbated by large numbers of pupils travelling off the Isle of Sheppey for their secondary education. Surplus capacity in Secondary provision on the Island will help to offset some of the deficit in Sittingbourne.

Discussion on the transfer of the North Sittingbourne Quinton Road site for a new 6FE secondary School are continuing. It is likely any transfer will not take place until 2025 at the earliest.

Sittingbourne and Sheppey Selective Planning Group
There are two Schools in the planning group, Borden Grammar School (Boys) and Highsted Grammar School (Girls).

Forecasts indicate slight surplus capacity across the plan period with a deficit in 2027/8 of -4 places. Both schools have an expansion project to increase their PANs by 1FE which is now reflected in the forecast and will provide sufficient capacity to meet local demand.

Canterbury and Faversham Selective Planning Group

There are four schools in the Canterbury and Faversham selective planning group: Barton Court Grammar School, Simon Langton Girl's Grammar School, Simon Langton Grammar School for Boys and Queen Elizabeth's Grammar School.

Forecasts indicate a surplus of places in the planning group until 2027 of between 0.5FE and 1FE. From 2027/28 there is a pressure forecast in the planning group of between -0.6FE and 1FE for Year 7 places across the Plan period. A feasibility will be undertaken at Simon Langton Girls School to expand the school by 1FE.

Planned Commissioning – Swale

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Faversham					1FE expansion of St Mary's of Charity	
Sittingbourne East		1FE expansion of Teynham PS			0.5FE expansion of Sunny Bank PS	
Sittingbourne South					2FE new Primary School at Wises Lane	
Sittingbourne North					2FE new provision on Quinton Road	
Faversham Non-Selective				1FE expansion of Abbey School.	2nd 1FE expansion of Abbey School	
Sittingbourne Non-selective				6FE new provision on Quinton Road		
Canterbury and Faversham Selective				1FE expansion of Simon Langton Girls School		
Special Schools	120 place Special Secondary School for SEMH with ASD		40 place expansion of Special school for SEMH with ASD to include Primary provision or a primary satellite			
Satellites	20 place secondary satellite of Meadowfield at Fulston Manor 60 place satellite for ASD on the Isle of Sheppey					

8.10. Thanet

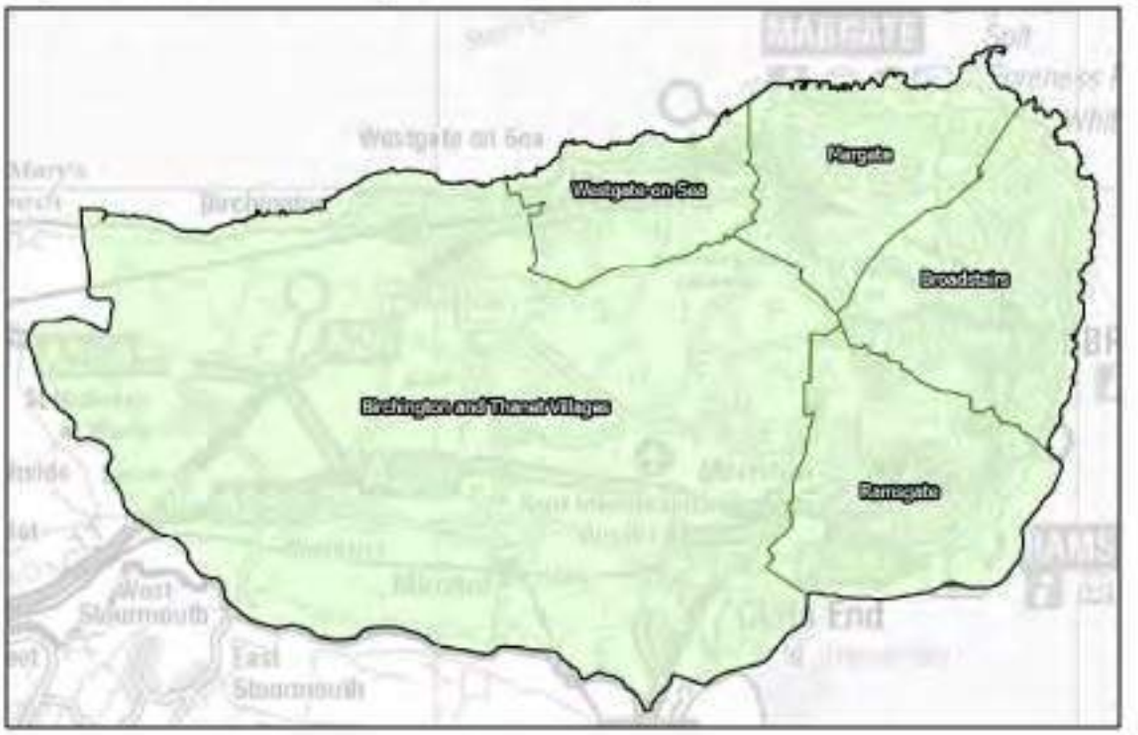
District commentary

- The birth rate in Thanet has fallen steadily since 2017. It continued to decrease in 2021 and the rate has now dipped below the County average, although it is still greater than the national average (57.1% versus 54.1%). The number of births have similarly decreased since 2017 to a low of 1,360 births in 2022.

- We forecast surplus Primary school places across the district throughout the Plan period with a peak of 335 places (11.1FE) in 2028/2029. Within the Secondary sector, Thanet Non-Selective planning group shows a pressure of between 10 places (0.33FE) to 34 places (1.13) from 2024 to 2029 when a surplus is forecast. There is a surplus of capacity of selective places throughout the Plan period for the Thanet Selective group.

- Thanet District Council's Local Plan to 2031, adopted on the 9 July 2020, includes the provision of 17,140 additional dwellings in the period up to 2031. During the 2011/12 to 2020/21 a total of 3,444 houses were completed (NET) with an average of 344 per year. The Council is carrying out a partial update of the Thanet Local Plan which would extend the plan period to 2040. The council plans to consult on the draft plan in September 2023.

Map of the Thanet Primary Planning Groups



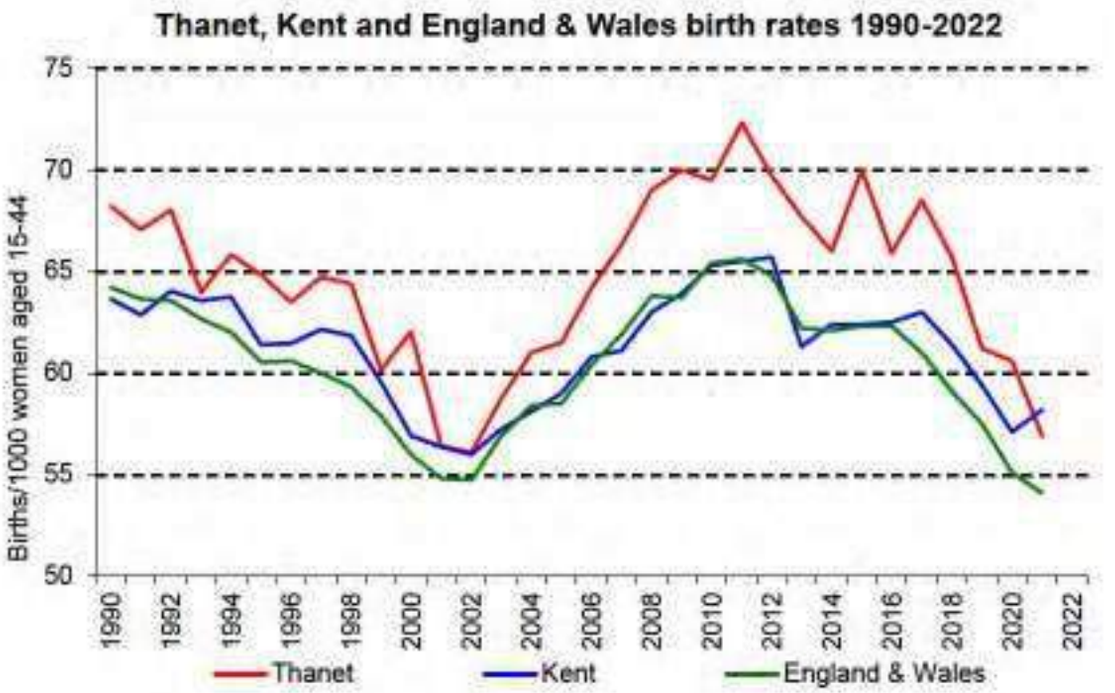
Thanet Primary Schools by Planning Group

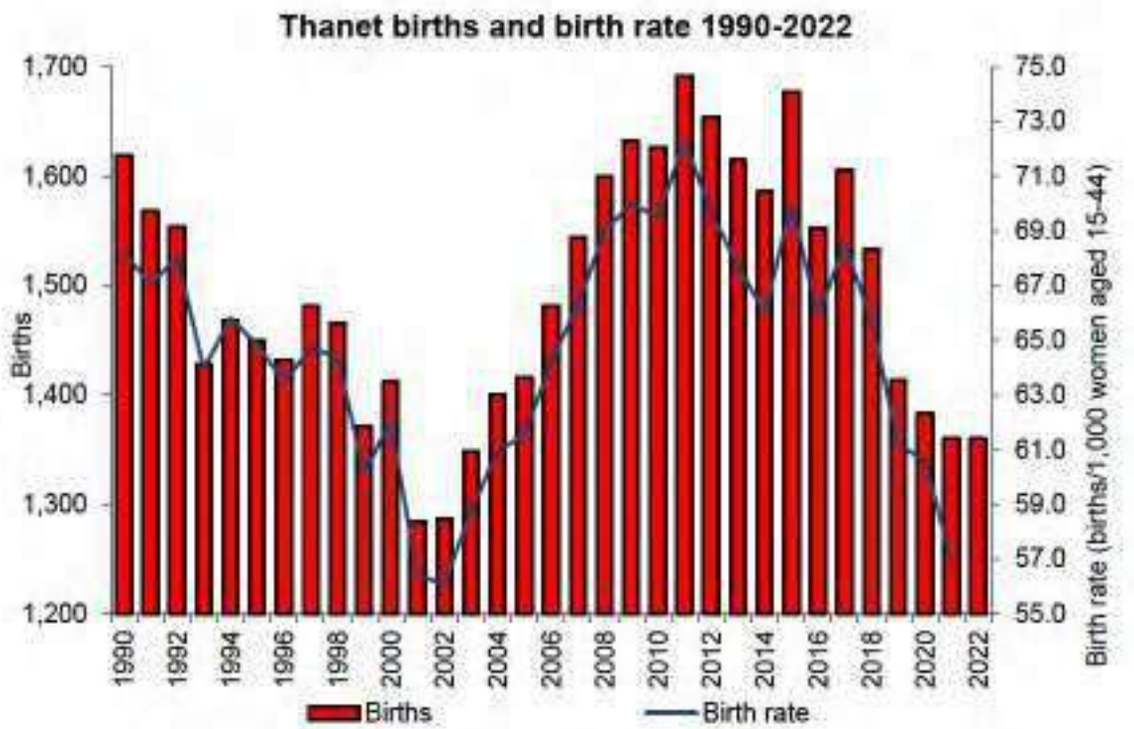
Planning Group	School	Status
Margate	Cliftonville Primary School	Academy
	Drapers Mills Primary Academy	Academy
	Holy Trinity and St. John's CE Primary School	Voluntary Controlled
	Northdown Primary School	Academy
	Palm Bay Primary School	Academy
	Salmestone Primary School	Academy
	St. Gregory's RC Primary School	Academy
Westgate-on-Sea	Garlinge Primary School	Community
	St. Crispin's Community Infant School	Community
	St. Saviour's CE Junior School	Voluntary Controlled
Ramsgate	Chilton Primary School	Academy
	Christ Church CE Junior School	Academy
	Dame Janet Primary Academy	Academy
	Ellington Infant School	Community
	Newington Community Primary School (Ramsgate)	Community
	Newlands Primary School	Academy
	Priory Infant School	Community
	Ramsgate Arts Primary School	Free
	Ramsgate Holy Trinity CE Primary School	Voluntary Aided
	St. Ethelbert's RC Primary School	Voluntary Aided
	St. Laurence-in-Thanet CE Junior Academy	Academy
Broadstairs	Bromstone Primary School	Foundation
	Callis Grange Infant School	Community
	St. George's CE Primary School (Broadstairs)	Foundation
	St. Joseph's RC Primary School (Broadstairs)	Academy
	St. Mildred's Infant School	Community

Planning Group	School	Status
	St. Peter-in-Thanet CE Junior School	Voluntary Aided
	Upton Junior School	Academy
Birchington and Thanet Villages	Birchington CE Primary School	Voluntary Controlled
	Minster CE Primary School	Voluntary Controlled
	Monkton CE Primary School	Voluntary Controlled
	St. Nicholas at Wade CE Primary School	Voluntary Controlled

Birth Rate and Births Analysis

The charts below set out the birth rates for the district and the number of recorded births.





Thanet Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Margate	435	52	93	96	113	119	120	123	123	123	124	124	435
Westgate-on-Sea	210	32	50	52	52	57	57	59	58	59	59	59	210
Ramsgate	540	74	63	62	129	98	104	111	115	119	122	124	495
Broadstairs	330	13	33	36	37	61	62	63	62	62	62	62	330
Birchington and Thanet Villages	165	7	22	14	2	-9	-16	-21	-26	-28	-31	-35	165
Thanet	**1,680**	**178**	**261**	**260**	**332**	**326**	**327**	**335**	**332**	**336**	**335**	**334**	**1,635**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Thanet Non Selective	1,159	2	-21	-22	-30	-23	-34	-19	-19	86	89	139	1,099
Thanet Selective	345	-7	-2	8	6	8	4	15	9	20	24	35	345

Primary District Commentary

Forecasts indicate that Thanet district has surplus capacity for Year R places across the Plan period. Surplus capacity ranges between 8.6FE to a peak of 11.1FE in the forecast period.

There are significant differences within the individual planning groups, with Margate and Ramsgate showing high levels of surplus capacity, Westgate-on-sea and Broadstairs also showing spare capacity whilst Birchington and Thanet Villages planning group has a deficit of places.

Margate Planning Group
Forecasts indicate surplus Year R places across the Plan period between 3.2FE and 4.1FE. Discussions will take place with the schools on options to manage this surplus to ensure all schools remain viable. This could be through further reduction in Published Admission Numbers.

Ramsgate Planning Group
Forecasts indicate surplus Year R places across the Plan period with between 2FE and 4.3FE. Discussions will take place with the schools on options to manage this surplus to ensure all schools remain viable. This could be through reduction in Published Admission Numbers.

Planned developments within Birchington and Thanet Villages planning group will help to reduce the current surplus as a number of the villages border the Ramsgate planning group. A new 2FE primary school to serve the Manston Green Development will be required in the long term, if all housing proceeds as set out in the Local Plan.

Birchington and Thanet Villages Planning Group
Forecasts indicate a pressure on Year R places in this planning group from 2026-27 that rises gradually to 1FE by the end of the forecast period. Initially, the surplus of places in the adjacent planning groups will support this pressure. Any future pupil pressures arising from the developments closer to the borders of the Margate and Ramsgate planning groups could initially be accommodated in Margate and Ramsgate schools due to the surplus capacity available. Birchington Primary School can also revert to a 3FE PAN to support the initial pressure from new housing in Birchington. New primary school provision to serve any new housing developments may be required later in the Plan period in Birchington and/or Westgate-on-Sea if all housing comes forward as set out in the Local Plan.

Secondary District Commentary

There are two planning groups which are within Thanet district, one non-selective and one selective (See appendix 13.2 for the non-selective and selective planning group maps). The commentary below outlines the forecast position for each of the planning groups.

Thanet Non-Selective Planning Group
There are six schools in the Thanet non-selective planning group: Charles Dickens School, Hartsdown Academy, King Ethelbert School, Royal Harbour Academy, St George's CE Foundation School and Ursuline College.

Forecasts indicate a deficit of places of -22 (0.7FE) in 2024/25 rising to a high of -34 (1.1FE) in 2027/28. After this, the forecast fluctuates between a slight deficit to a surplus of places from 2030/31.

Discussions will be held with the Thanet non-selective schools on managing the need for places in the short term till 2027/2028 via bulge classes.

Thanet Selective Planning Group

There are two schools in the Thanet selective planning group: Chatham and Clarendon Grammar School and Dane Court Grammar School.

Forecasts indicate a slight fluctuation of surplus places throughout the plan period.

Planned Commissioning – Thanet

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Ramsgate					2FE new primary at Manston Green	
Birchington and Thanet Villages					1FE Expansion at Birchington	2FE new primary in Birchington and/or Westgate on Sea
Thanet Non-Selective	Up to 30 places	Up to 30 places	Up to 30 places	Up to 30 places		
Specialist Resourced Provision		30 place Secondary SRP for ASD				

8.11. Tonbridge and Malling

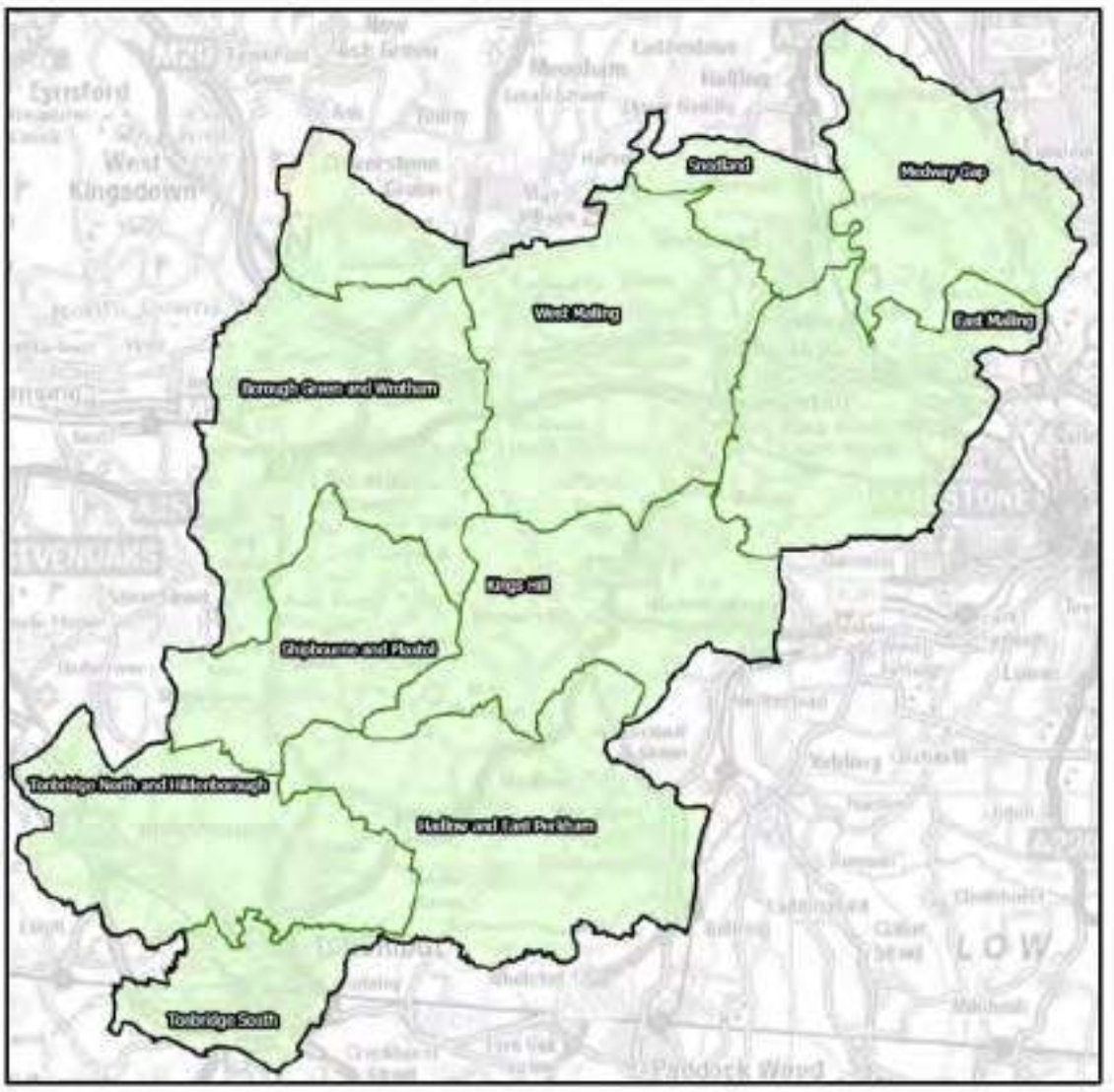
Borough commentary

- The birth rate for Tonbridge and Malling is slightly above the County average but has followed a similar pattern, dropping significantly from 2018 to 2020, before increasing slightly in 2021. The number of births also increased in 2021, before falling back in 2022.

- We forecast sufficient primary school places across the Borough to meet demand across the Plan period. However, there is local place pressures within some planning groups which will need to be addressed. Within the secondary sector, we anticipate sufficient places during the Plan period for the Malling Non-Selective planning group and the Tonbridge and Tunbridge Wells Non-Selective, but a deficit of places in 2024-25 in the Sevenoaks and Borough Green Non-Selective selective group and the group will require additional provision. The West Kent Selective planning group as has small deficit forecast for the majority of the forecast period.

- On 13 July 2021, Tonbridge and Malling Borough Council withdrew their proposed Local Plan from public examination. The Borough Council expects to submit a revised plan to the Secretary of State in April 2025. The forecasts within the Kent Commissioning Plan incorporate consented housing proposals and remaining sites to be built out from the current Core Strategy. Any housing proposals from emerging Local Plans are not incorporated within the forecasts.

Map of the Tonbridge and Malling Primary Planning Groups



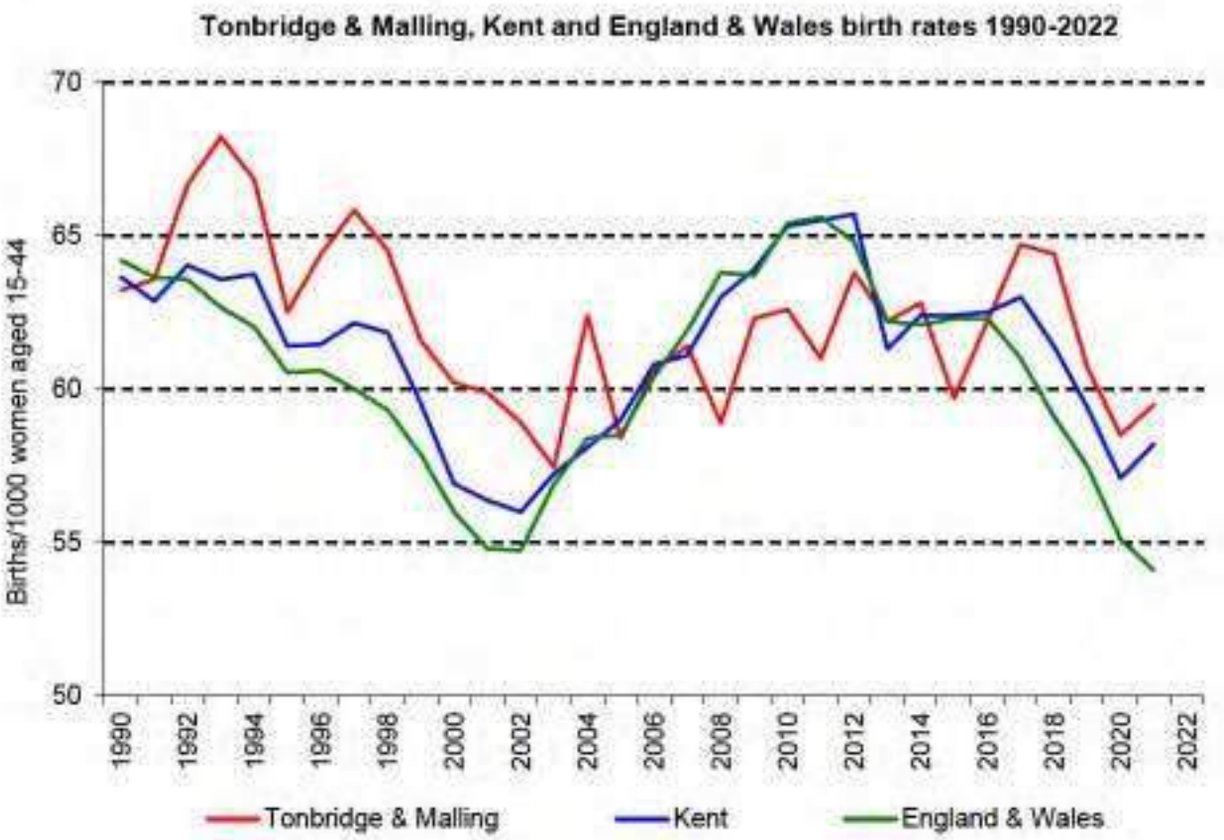
Tonbridge and Malling Primary Schools by Planning Group

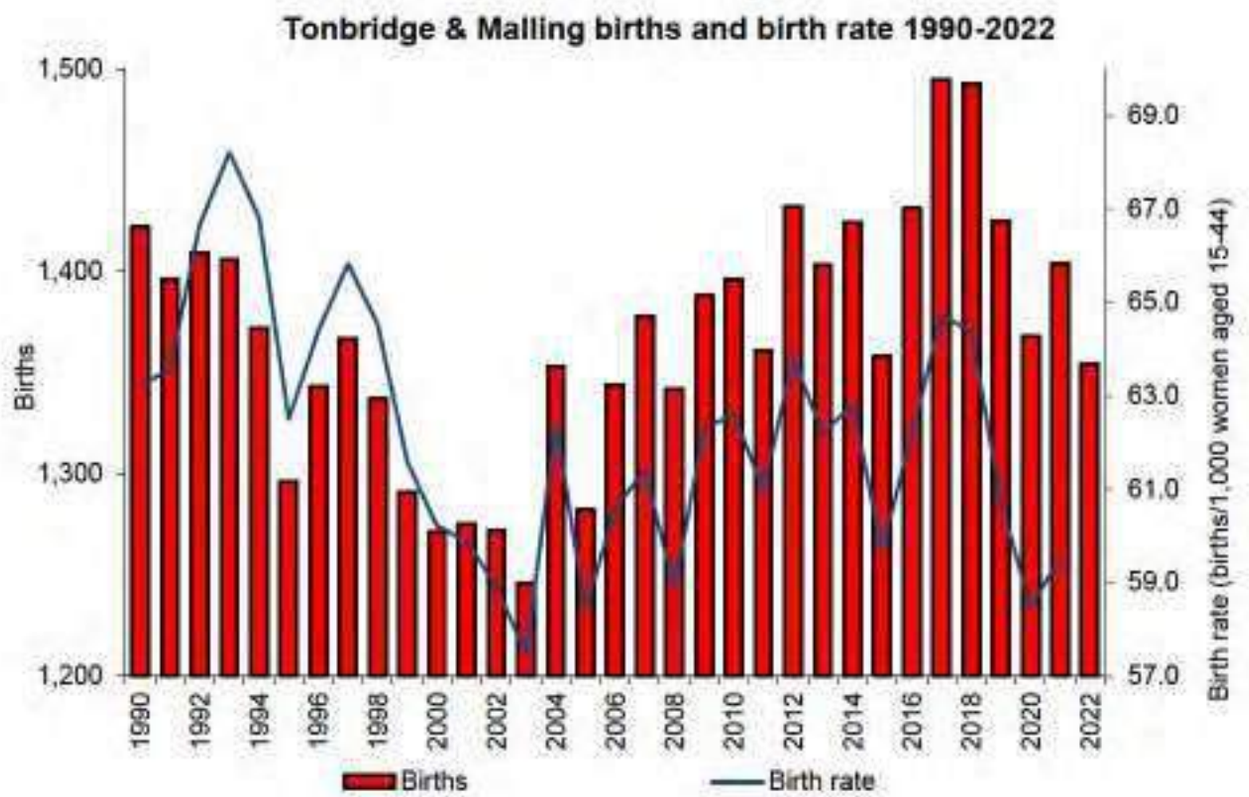
Planning Groups	School	Status
Tonbridge South	Bishop Chavasse CE Primary School	Free
	Royal Rise Primary School	Academy
	Slade Primary School	Community
	Sussex Road Community Primary School	Community
Tonbridge North and Hildenborough	Cage Green Primary School	Academy
	Hildenborough CE Primary School	Voluntary Controlled
	Long Mead Community Primary School	Community
	St. Margaret Clitherow RC Primary School	Academy
	Stocks Green Primary School	Community
	Woodlands Primary School	Community
Hadlow and East Peckham	East Peckham Primary School	Community
	Hadlow Primary School	Community
Shipbourne and Plaxtol	Plaxtol Primary School	Community
	Shipbourne School	Community
Kings Hill	Discovery School	Community
	Kings Hill School	Community
	Mereworth Community Primary School	Community
	Valley Invicta Primary School at Kings Hill	Academy

Planning Groups	School	Status
	Wateringbury CE Primary School	Voluntary Aided
Borough Green and Wrotham	Borough Green Primary School	Foundation
	Ightham Primary School	Community
	Platt CE Primary School	Voluntary Aided
	St. George's CE Primary School (Wrotham)	Voluntary Controlled
West Malling	More Park RC Primary School	Academy
	Offham Primary School	Community
	Ryarsh Primary School	Community
	Trottiscliffe CE Primary School	Voluntary Controlled
	Valley Invicta Primary School at Leybourne Chase	Academy
	West Malling CE Primary School	Academy
East Malling	Brookfield Infant School	Community
	Brookfield Junior School	Community
	Ditton CE Junior School	Voluntary Aided
	Ditton Infant School	Foundation
	Leybourne St. Peter and St. Paul CE Primary School	Voluntary Aided
	Lunsford Primary School	Community
	St. James the Great Academy	Academy
	St. Peter's CE Primary School (Aylesford)	Voluntary Controlled
	Valley Invicta Primary School at Aylesford	Academy
Snodland	Snodland CE Primary School	Voluntary Aided
	St. Katherine's School (Snodland)	Academy
	Valley Invicta Primary School at Holborough Lakes	Academy
Medway Gap	Burham CE Primary School	Voluntary Controlled
	St. Mark's CE Primary School (Eccles)	Academy
	Tunbury Primary School	Community
	Wouldham All Saint's CE Primary School	Voluntary Controlled

Birth Rate and Births Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Tonbridge and Malling Analysis – Primary

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Tonbridge South	210	6	27	48	38	44	44	45	46	46	48	49	210
Tonbridge North and Hildenborough	270	35	50	63	73	81	82	84	84	85	86	88	270
Hadlow and East Peckham	60	0	12	16	9	19	20	20	20	21	21	22	60
Shipbourne and Plaxtol	23	1	1	6	-1	3	3	3	3	3	4	4	23
Kings Hill	240	21	39	38	25	47	47	48	47	47	46	46	240
Borough Green and Wrotham	135	21	18	29	11	24	23	22	20	20	19	19	135
West Malling	162	0	3	-5	-2	-12	-17	-22	-27	-33	-38	-42	162
East Malling	294	15	36	13	32	40	40	40	40	40	41	42	294
Snodland	180	38	22	-8	10	8	7	7	6	6	5	5	150
Medway Gap	198	38	11	-3	-4	-26	-30	-33	-36	-39	-41	-42	198
Tonbridge & Malling	**1,772**	**175**	**220**	**197**	**190**	**227**	**220**	**215**	**204**	**196**	**192**	**191**	**1,742**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Malling Non-Selective	543	65	66	54	80	86	50	69	77	70	54	79	543
Sevenoaks and Borough Green Non-Selective	585	-20	6	-22	40	8	23	31	38	46	79	38	630
Tonbridge and Tunbridge Wells Non-Selective	1,584	58	16	96	88	25	53	34	20	71	105	81	1,584
West Kent Selective	1,265	-26	-48	-22	-7	-53	-40	-29	-6	5	70	51	1,235

Primary District Commentary

For primary education, the overall forecasts indicate sufficient places to meet demand across the Plan period. However, there are local place pressures within the some of the individual planning groups.

Shipbourne and Plaxtol Planning Group
There is forecast to be a very small surplus throughout the Plan period apart from in 2025-26 when there will be a 1 place deficit. We will monitor the situation but would anticipate that there are sufficient places in the neighbouring planning groups to accommodate a single place deficit.

West Malling Planning Group
Forecasts for West Malling show deficits throughout the Plan period. The deficits are very small in the initial years and then from 2026-27 moves to an 11 place deficit that increases slowly to above 1 FE by the end of the Plan period. We anticipate that the deficits can be accommodated in the adjacent Kings Hill planning group for the short to medium term but will monitor the need for additional accommodation in the longer term.

Snodland Planning Group
The Planning group will have a small surplus of places apart from 2024-25 when it is forecast to have a deficit of 8 places. It is anticipated that the deficit year can be accommodated in neighbouring planning groups.

Medway Gap Planning Group
The planning group is forecast to have a deficit throughout the Plan period. There will be small deficits in 2024-25 and 2025-26, but this increases to 26 places in 2026-27 and continues to increase slowly through the Plan period. We will work with local schools to establish bulge provision before seeking a more permanent solution via the expansion of an existing school. The demand for school places within this group can be impacted by children resident in Medway, we will work with Medway Council when determining the most appropriate commissioning strategy for ensuring all children have a school place.

Secondary District Commentary

There are four planning groups which are within Tonbridge and Malling Borough or which cross the Borough boundary (See appendix 12.2 for the non-selective and selective planning group maps). Three of which are non-selective. The commentary below outlines the forecast position for each of the planning groups.

Malling Non-Selective Planning Group
There are three schools in the planning group: Aylesford School, Holmesdale School and Malling School. Forecasts indicate that there will be sufficient Year 7 places across the Plan period.

Sevenoaks and Borough Green Non-Selective Planning Group
There are three schools in the Sevenoaks and Borough Green non-selective planning group: Knowle Academy, Wrotham School and Trinity School.

The forecast indicates fluctuating demand for Year 7 places throughout the Plan period. There is a deficit of 22 places forecast in 2024-25 and small surpluses though the remainder of the Plan period. We will also work with existing schools to offer bulge provision of up to 30 places to meet the deficit in 2024-25.

Tonbridge and Tunbridge Wells Non-Selective Planning Group

There are eight schools in the planning group: Hadlow Rural Community School, Hayesbrook School, Hillview School for Girls, Hugh Christie Technology College, Bennett Memorial Diocesan School, Mascalls Academy, Skinners' Kent Academy and St. Gregory's Catholic School.

Forecasts indicate that there will be sufficient Year 7 places across the Plan period. It should be noted that these forecasts do not incorporate the impact of housing growth associated with unconsented or unallocated development outside of an adopted Local Plan, therefore future strategic housing growth may have a significant impact over and above the forecast need.

West Kent Selective Planning Group

There are six schools in the planning group: Judd School, Tonbridge Grammar School, Weald of Kent Grammar School, Skinners' School, Tunbridge Wells Girls' Grammar School and Tunbridge Wells Grammar School for Boys.

The forecast indicates that there will be fluctuating deficits through to 2030-31 when there is a forecast surplus. We anticipate that these forecast deficits will be met through commissioned bulge provision in existing schools where necessary or own admission authorities offering over their PAN. We will keep the need for additional permanent capacity under review.

Planned Commissioning – Tonbridge and Malling

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Medway Gap				1FE Expansion of Existing School		
Sevenoaks and Borough Green Non-Selective Planning Group	Up to 30 temporary Year 7 places					
Special School		50 place secondary PSCN special school satellite.				

8.12. Tunbridge Wells

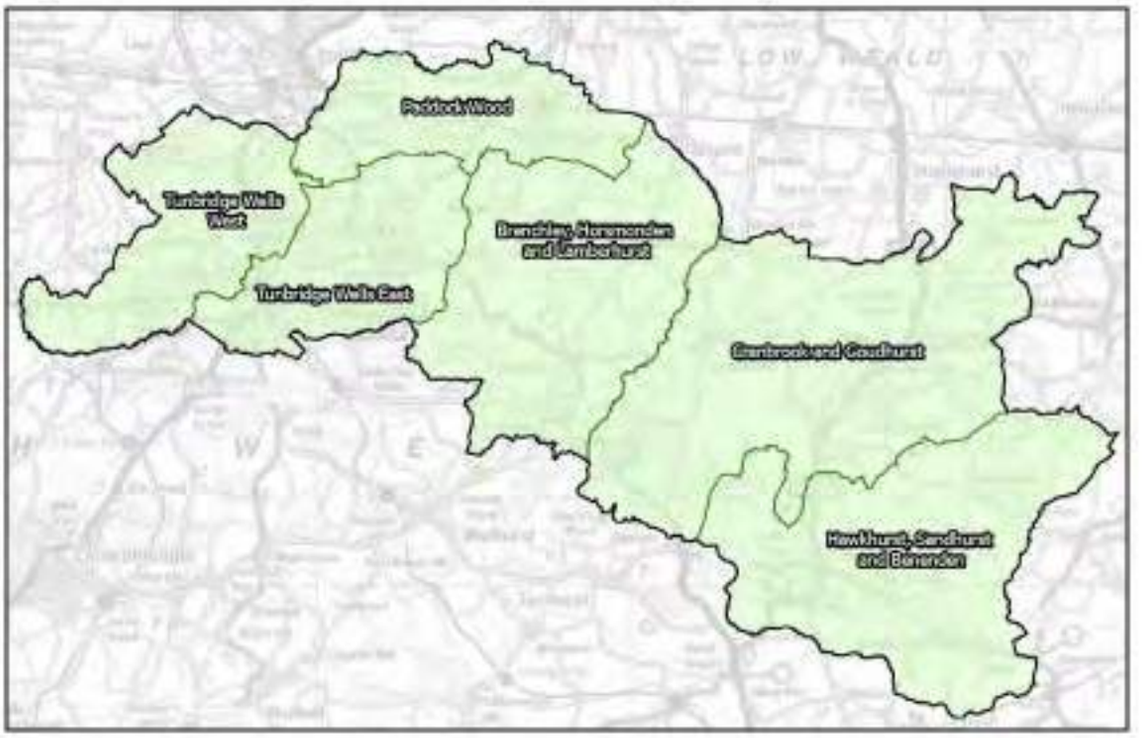
Borough Commentary

- The birth rate for Tunbridge Wells has declined in recent years but increased significantly in 2021 and was on par with the County average in that year. The number of recorded births had fallen incrementally for the previous 4 years, but similarly increased in 2021, before falling back again in 2022.

- We forecast sufficient primary school places across the Borough throughout the Plan period albeit there is local place pressure within the Cranbrook and Goudhurst, the Brenchley, Horsmonden and Lamberhurst and the Paddock Wood planning groups. Within the secondary sector, we anticipate there will be sufficient places during the Plan period within the Tonbridge and Tunbridge Wells Non-Selective and the Cranbrook Selective groups. The forecast indicates a deficit of places for the Tenterden and Cranbrook Non-Selective and the West Kent Selective planning groups.

- Consultation took place on Issues and Options for the new Local Plan in 2017 and on a Draft Local Plan in autumn 2019, a final proposed Local Plan is now undergoing independent examination. The assessed housing need for the Borough is 678 dwellings per annum, equivalent to some 12,200 additional homes over the plan period to 2038. We will continue working with the Borough Council to ensure sufficient education provision is provided for future housing growth. During the 5 year period 2015-16 to 2019-20 a total of 2473 houses were completed with an average of 494.6 per year, which is below the required average.

Map of the Tunbridge Wells Primary Planning Groups



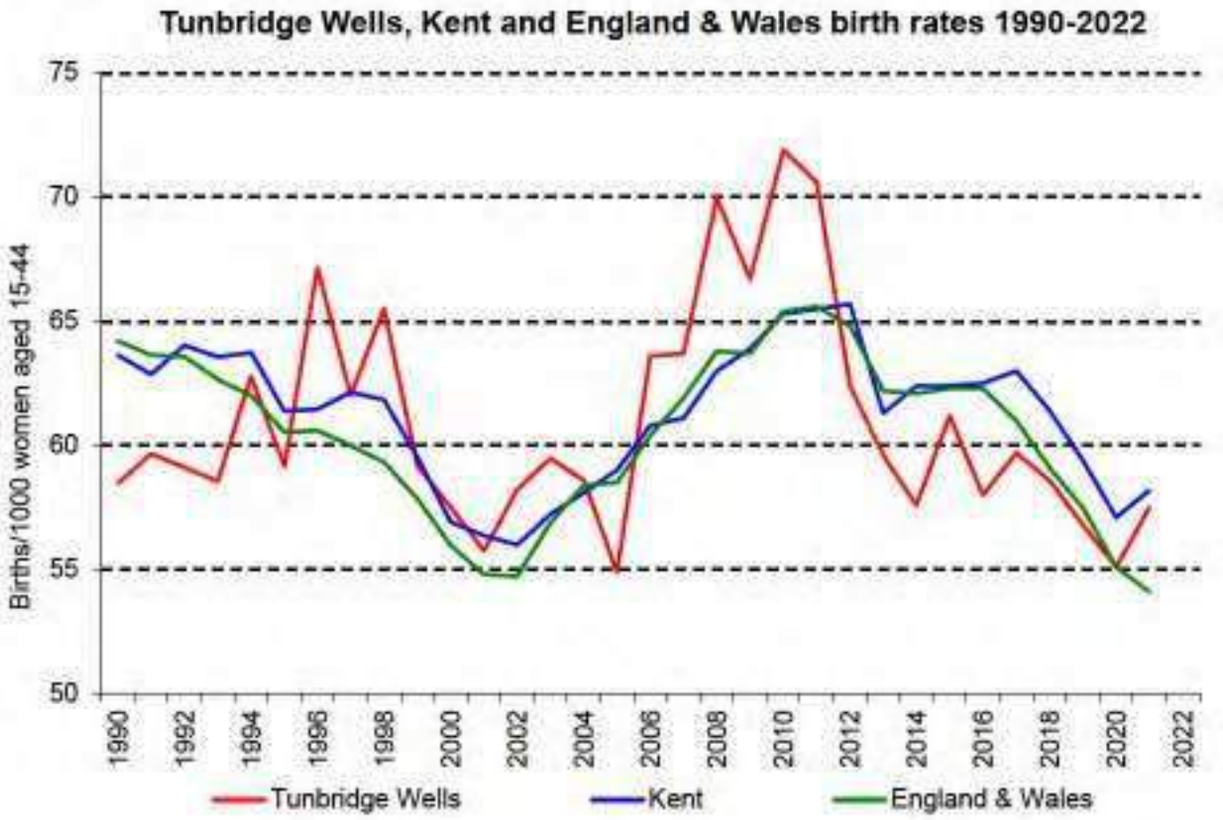
Tunbridge Wells Primary Schools by Planning Group

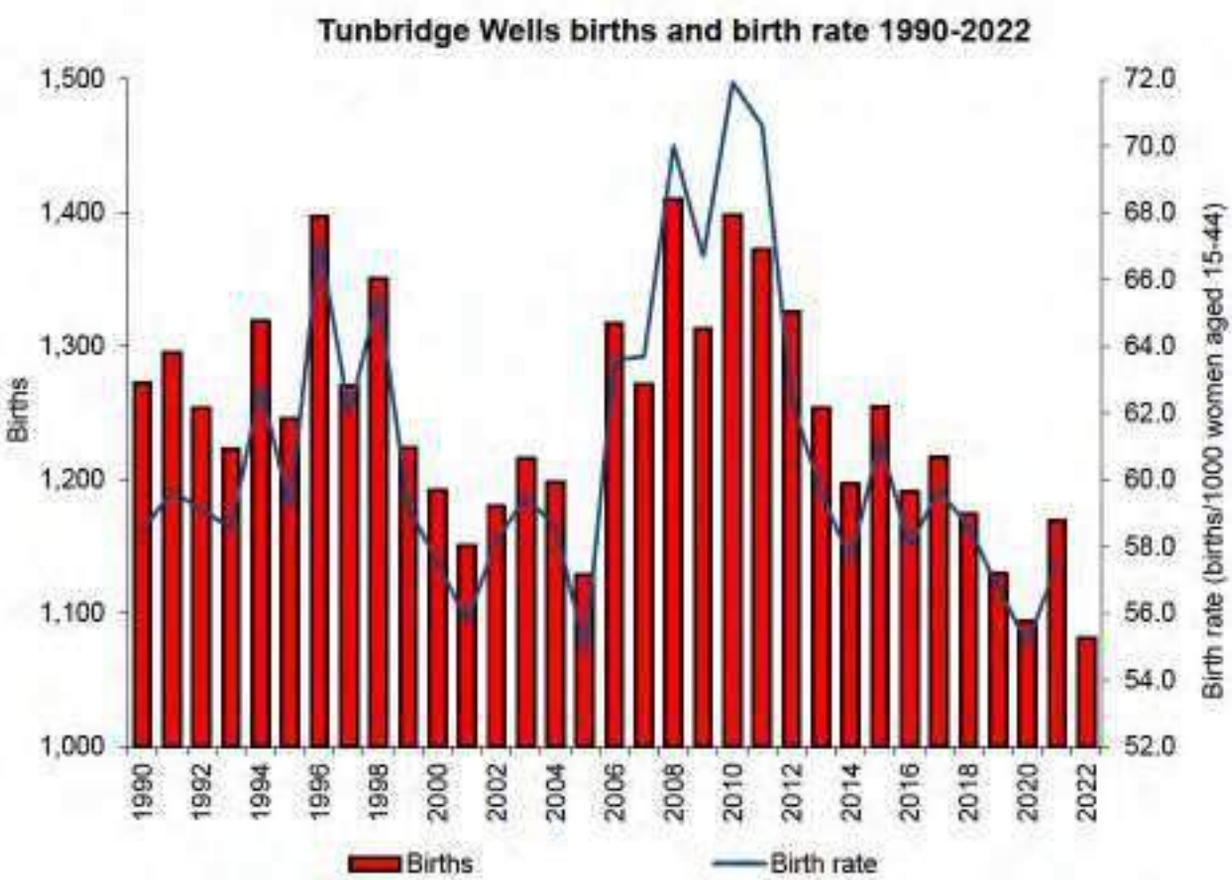
Planning Groups	School	Status
Tunbridge Wells East	Broadwater Down Primary School	Community
	Claremont Primary School	Community
	Pembury School	Community
	Skinners' Kent Primary School	Academy
	St. Barnabas CE Primary School	Voluntary Aided
	St. James' CE Primary School	Voluntary Aided
	St. Mark's CE Primary School (Tunbridge Wells)	Voluntary Controlled
	St. Peter's CE Primary School (Tunbridge Wells)	Voluntary Controlled
	Temple Grove Academy	Academy
	Wells Free School	Free
Tunbridge Wells West	Bidborough CE Primary School	Voluntary Controlled
	Bishops Down Primary School	Community
	Langton Green Primary School	Community
	Rusthall St. Paul's CE Primary School	Voluntary Aided
	Southborough CE Primary School	Voluntary Controlled
	Speldhurst CE Primary School	Voluntary Aided
	St. Augustine's RC Primary School (Tunbridge Wells)	Academy
	St. John's CE Primary School (Tunbridge Wells)	Voluntary Controlled
	St. Matthew's High Brooms CE Primary School	Voluntary Controlled
Paddock Wood	Capel Primary School	Community
	Paddock Wood Primary School	Academy
Brenchley, Horsmonden and Lamberhurst	Brenchley and Matfield CE Primary School	Academy
	Horsmonden Primary School	Academy
	Lamberhurst St. Mary's CE Primary School	Voluntary Controlled
Cranbrook and Goudhurst	Colliers Green CE Primary School	Voluntary Aided
	Cranbrook CE Primary School	Voluntary Controlled

Planning Groups	School	Status
	Frittenden CE Primary School	Voluntary Controlled
	Goudhurst and Kilndown CE Primary School	Voluntary Controlled
	Sissinghurst CE Primary School	Voluntary Aided
Hawkhurst, Sandhurst and Benenden	Benenden CE Primary School	Voluntary Controlled
	Hawkhurst CE Primary School	Voluntary Controlled
	Sandhurst Primary School	Community

Birth Rate Analysis

The charts below set out the birth rates for the Borough and the number of recorded births.





Tunbridge Wells Forecasts

Primary - Year R Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Tunbridge Wells East	450	60	70	95	94	118	119	120	120	120	119	118	450
Tunbridge Wells West	435	33	17	13	45	68	71	73	74	74	76	78	435
Paddock Wood	120	1	1	-20	-17	-15	-16	-16	-17	-18	-18	-19	120
Brenchley, Horsmonden and Lamberhurst	90	0	5	8	1	-5	-5	-4	-3	-3	-2	-1	90
Cranbrook and Goudhurst	111	-3	-2	2	-12	-14	-14	-14	-14	-14	-13	-12	116
Hawkhurst, Sandhurst and Benenden	90	21	8	6	5	6	7	8	9	10	12	13	90
Tunbridge Wells	**1,296**	**112**	**99**	**105**	**116**	**158**	**161**	**166**	**168**	**170**	**173**	**177**	**1,301**

Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
Tenterden and Cranbrook Non-Selective	390	46	-16	13	-1	-22	-31	-30	-39	-37	-52	-42	360
Tonbridge and Tunbridge Wells Non-Selective	1,584	58	16	96	88	25	53	34	20	71	105	81	1,584
Cranbrook Selective	60	0	22	25	31	26	18	19	18	16	17	10	90
West Kent Selective	1,265	-26	-48	-22	-7	-53	-40	-29	-6	5	70	51	1,235

Primary District Commentary

For primary education the overall forecasts indicate sufficient places to meet demand across the Plan period for Year R and all primary years. There is local place pressure within the Paddock Wood, the Brenchley, Horsmonden and Lamberhurst and the Cranbrook and Goudhurst planning groups

The Year R surplus in Tunbridge Wells town (Tunbridge Wells East and West planning groups) is forecast to be approaching 20% on average; depending on the distribution of this surplus between schools it may necessitate adjustment to the PANs of individual schools in order to ensure class sizes remain financially viable.

Paddock Wood Planning Group
There are forecast deficits of over 0.5 FE (15 places) throughout the Plan period. We will monitor the situation but anticipate that the deficits will be accommodated in the neighbouring planning groups or within one of the small schools within the planning group offering over PAN. We will review the need and viability of a new primary school being established within the town by 2026/7.

Brenchley, Horsmonden and Lamberhurst Planning Group
The planning group is forecast to have a 5 place deficit in 2026-27 that diminishes gradually throughout the forecast period. We will monitor the situation but anticipate that the deficits will be accommodated in the neighbouring planning groups or within one of the small schools within the planning group offering over PAN.

Cranbrook and Goudhurst Planning Group
The forecast indicates that there will be deficits of between 12 and 14 places throughout the Plan period. We will seek to provide sufficient capacity within the planning group through additional temporary provision in those schools with a PAN of less than 1FE from 2024-25 and will seek to permanently expand one school within the group by 1FE from September 2026.

Secondary District Commentary

There are four planning groups which are within Tunbridge Wells Borough or which cross the Borough boundary, two non-selective and two selective (See appendix 12.2 for the non-selective and selective planning group maps). The commentary below outlines the forecast position for each of the planning groups.

Tenterden and Cranbrook Non-Selective Planning Group
Following a substantive decision by the Secretary of State for Education to close High Weald Academy on 31 August 2022, this is a single school planning group containing Homewood School and Sixth Form Centre.

The Closure of High Weald Academy and the decision by the Tenterden Schools Trust to reduce the published admissions number of Homewood School from 390 to 360 places has led to pressure across much of the forecast period. There is an initial surplus forecast for 2024-25 and a deficit of only 1 place in the 2025-26. However, in 2026-27 the deficit is 22 and this increases through the Plan period to a high of 52 in 2031-32.

We anticipate that the additional places added at existing Ashford Schools and the opening of Chilmington Green Secondary School, plus places in the Tonbridge and Tunbridge Wells non selective planning area will provide sufficient capacity to accommodate the pupils. It should also be noted that, following High Weald Academy's closure, travel to school patterns in the area may change over the coming years and will be monitored in future iterations of the Plan.

Tonbridge and Tunbridge Wells Non-Selective Planning Group
There are eight schools in the planning group: Hadlow Rural Community School, Hayesbrook School, Hillview School for Girls, Hugh Christie Technology College, Bennett Memorial Diocesan School, Mascalls Academy, Skinners' Kent Academy and St. Gregory's Catholic School.

Forecasts indicate that there will be sufficient Year 7 places across the Plan period. It should be noted that these forecasts do not incorporate the impact of housing growth associated with unconsented or unallocated development outside of an adopted Local Plan, therefore future strategic housing growth may have a significant impact over and above the forecast need.

Cranbrook Selective Planning Group
There is only one school in the Cranbrook selective planning group: Cranbrook School. We forecast sufficient Year 7 and Years 7-11 places throughout the Plan period.

West Kent Selective Planning Group
There are six schools in the planning group: Judd School, Tonbridge Grammar School, Weald of Kent Grammar School, Skinners' School, Tunbridge Wells Girls' Grammar School and Tunbridge Wells Grammar School for Boys.

The forecast indicates that there will be fluctuating deficits through to 2030-31 when there is a forecast surplus. We anticipate that these forecast deficits will be met through commissioned bulge provision in existing schools where necessary or own admission authorities offering over their PAN. We will keep the need for additional permanent capacity under review.

Planned Commissioning – Tunbridge Wells

Planning Group	By 2024-25	By 2025-26	By 2026-27	By 2027-28	Between 2028-31	Post 2031
Cranbrook and Goudhurst Planning Group			1 FE permanent expansion of existing school			
Paddock Wood			1FE Through Establishment of New Primary School (subject to review)			
West Kent Selective			Up to 60 temporary places	Up to 30 temporary places		
Special Schools			50 place secondary PSCN special school satellite.			

9. Commissioning Special Educational Needs

9.1. Duties to Provide for Special Educational Needs and Disabilities (SEND)

The Children and Families Act 2014 sets out the responsibility to improve services, life chances and choices for vulnerable children and to support families. The Act extends the SEND system from birth to 25, where appropriate, giving children, young people and their parents/carers greater control and choice in decisions and ensuring needs are properly met.

The Equality Act 2010 and Part 3 of the Children and Families Act 2014 interact in several important ways. They share a common focus on removing barriers to learning. In the Children and Families Act 2014 duties for planning, commissioning, and reviewing provision, the Local Offer and the duties requiring different agencies to work together apply to all children and young people with Special Education Needs (SEN) or disabilities. The Code of Practice 2015 which applies to England, explains the duties of local authorities, health bodies, schools and colleges to provide for those with special educational needs under part 3 of the Children and Families Act 2014.

9.2. Kent Overview

Kent's ambitions for children and young people with SEN is articulated through its SEND strategy 2021-2024[2] which has been jointly developed by KCC and the NHS in conjunction with children, young people, parents and carers, Kent PACT (Kent Parents and Carers Together) and other key stakeholders.

Kent has a significantly large number of pupils with an Education Health & Care Plan (EHCP). We remain an outlier nationally with a rate of growth in EHCPs well above national averages per 10,000 children. The number of EHCPs in January 2023 was 18,930.

- Kent has proportionately:
- fewer children identified as requiring SEN support in mainstream schools when compared to the national average.
- fewer children with EHCPs educated in our mainstream schools compared to national and statistical neighbour averages.
- more children placed in either maintained special or independent special schools or Specialist Resource Provisions than national and statistical neighbour averages.

Kent is now part of the DfE Safety Valve programme. The programme aims to support Local Authorities to reform their High Needs systems and SEND services for children and young people while ensuring services are sustainable.

Whilst we acknowledge that Special Schools play an important role in the continuum of education provision in Kent, we also need to focus on developing the role of mainstream schools, including SRPs, to successfully support more complex children and young people with SEND.

KCC has developed its first Kent Sufficiency Plan for children and young people with SEND. This first plan is limited in scope due to the need to await the outcomes of the reviews of Special Schools, Specialist Resource Provisions and Early Years Provision, all of which will contribute to a revised SEND Strategy, setting out the direction for the next five years. The outcomes from these reviews and further work to inform KCC's approach to supporting children and young people with Social, Emotional and Mental Health (SEMH) needs, aligned with our

[2] https://www.kent.gov.uk/__data/assets/pdf_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf

approach to Alternative Provision across all twelve of Kent's districts, will inform the revision of the Sufficiency Plan later in 2024.

The Sufficiency Plan will sit under the Commissioning Plan for Education Provision in Kent to inform strategic educational place planning. The purpose of the Sufficiency Plan is to inform and support the Local Authority in its development of strategic place planning for SEND educational provision in the medium to long term. There are 4 key aims for the Sufficiency Plan.

- Inform medium to longer term commissioning/decommissioning of places for children and young people with an Education, Health and Care Plan
- Inform capital investment planning and future bids to DfE Wave programmes.
- Inform high level discussions with providers around required changes to current provision.
- Support the delivery of the Safety Valve programme, bringing Kent in-line with other local authorities' patterns of provision.

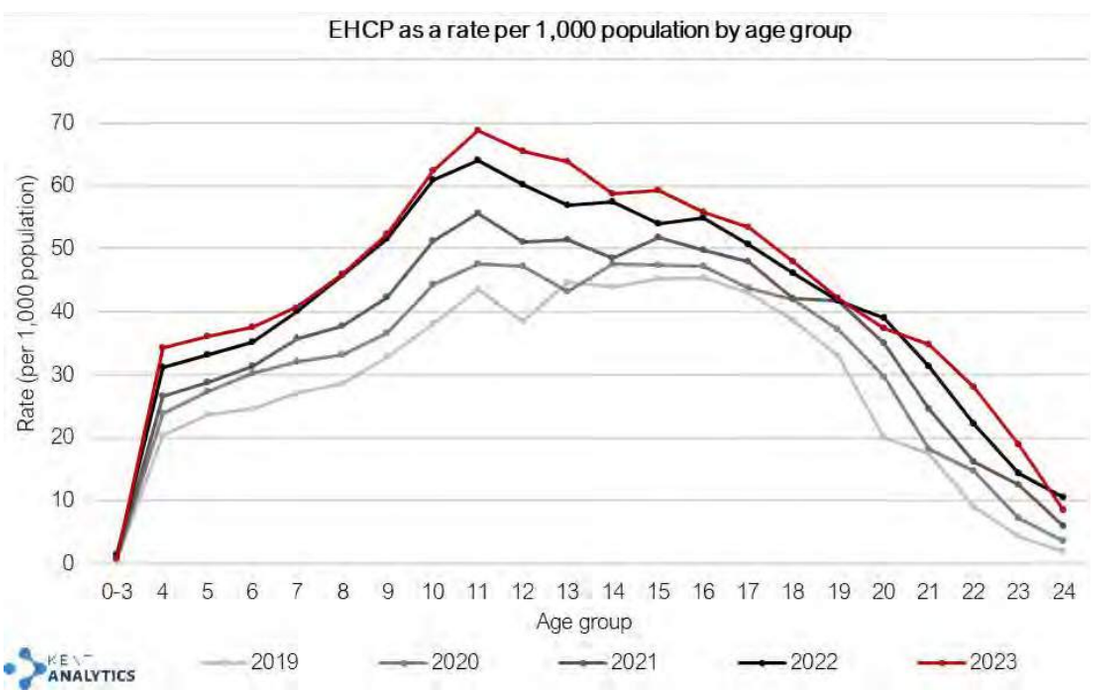
9.3. Education Heath and Care Plans

The LA is responsible for issuing and maintaining Education Health and Care Plans (EHCPs) for children and young people between the ages of 0-25 years. As of January 2023, this totalled 18,930 children and young people with an EHCP in Kent. This is an increase of 1,197 (6.8%) since January 2022. In England, the number of children and young people with EHC plans increased to 517,000, in January 2023, up by 9% from 2022. The number of EHCPs have increased each year since 2010[3]

9.4. Age Groups

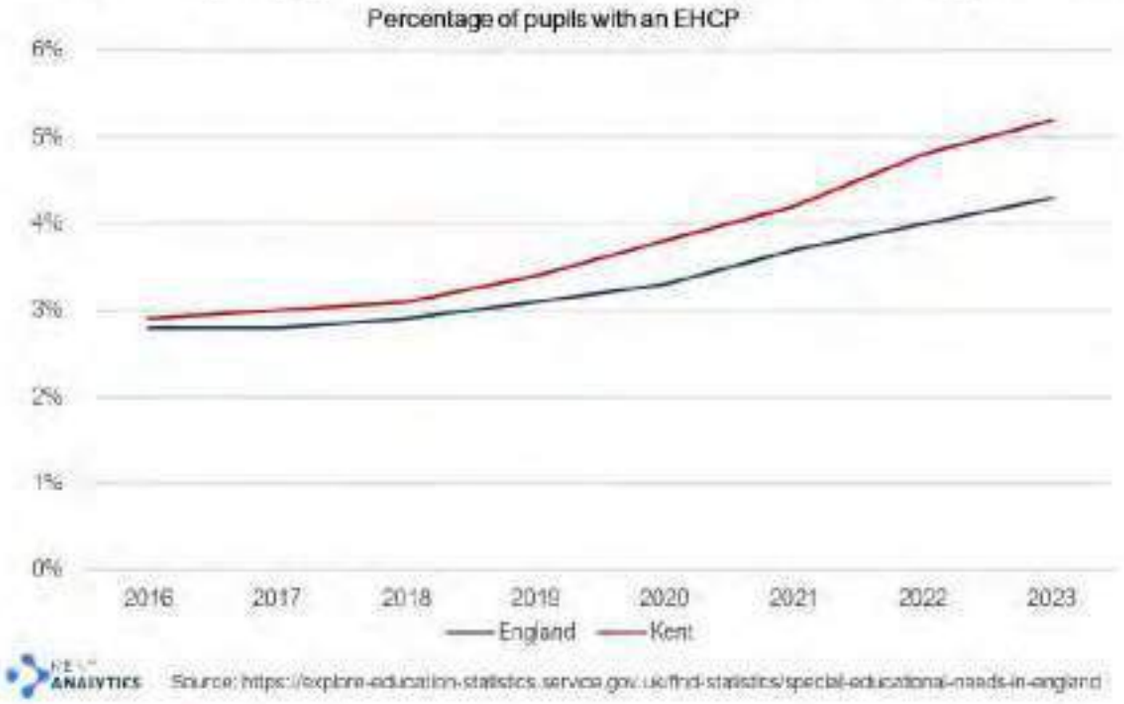
Figure 9a shows the rate of children and young people with an EHCP per 1,000 population for the past 6 years. It shows that the proportion of the population aged 4 to 25 years with and EHCP continues to increase year on year.

Figure 9a: Children and Young People with EHCPs rate with per 1,000 population 2018-2023



[3] Education, health and care plans, Reporting year 2023 – Explore education statistics – GOV.UK (explore-education-statistics.service.gov.uk)

Figure 9b: Percentage of pupils with an EHCP Kent compared with England 2016 -2023



9.5. School Aged Pupils

Figure 9b shows the percentage of pupils in schools in Kent and England that have an EHCP. Kent has 5.2% of pupils compared to 4.3% for England. Whilst the rate of growth has increased nationally, Kent's increase started much earlier (2015) and has continued to increase at a greater rate.

9.6. SEN Need Types

Figure 9c shows that Autistic Spectrum Disorder (ASD) remains the most common primary need type with 42.3% of children and young people with an EHCP (0-25 years) having ASD identified as their primary need. This is a decrease from 42.4% in January 2022. The second highest is SEMH at 20.4%, an increase from 20.2% in January 2022, followed by 17.2% of children and young people with Speech, Language and Communication Needs (SLCN) identified as their EHCP primary need.

Figure 9c: EHCPs by age group and need type January 2023

SEN Need Type 2023	Under 5	Aged 5-10	Aged 11-15	Aged 16-19	Aged 20-25	Total	%
Autistic Spectrum Disorder	149	2335	2921	1705	893	8,003	42.3%
Hearing Impairment	4	68	56	48	31	207	1.1%
Moderate Learning Difficulty	18	274	429	241	176	1,138	6.0%
Multi-Sensory Impairment	3	4	11	4	1	23	0.1%
Physical Disability	26	204	197	149	94	670	3.5%
Profound and Multiple Learning Difficulty	12	142	126	65	43	388	2.0%
Severe Learning Difficulty	28	213	305	209	167	922	4.9%
Social, Emotional and Mental Health	10	637	1592	1111	507	3,857	20.4%
Specific Learning Difficulty	1	43	168	86	58	356	1.9%
Speech, Language and Communication Needs	181	1414	965	409	296	3,265	17.2%
Visual Impairment	6	30	31	20	14	101	0.5%
Kent Total	438	5,364	6,801	4,047	2,280	18,930	

Source SEN2 Return January 2023

9.7. Provision

Figure 9d shows the number of EHCPs by establishment type (0-25 year olds); In Kent 34% (33.5% in 2022) are educated in mainstream schools (including SRPs), whilst the England figure is 41%. In Kent, 40% of children and young people with EHCPs are educated in a special school (including independent schools) compared to 33.1% nationally.

To ensure the LA is able to provide sustainable high quality provision, the system needs to be realigned and the proportion of children and young people catered for within each provision type brought in line with national figures, so that specialist places are only for those children and young people with the most complex needs. A significant change programme is ongoing to improve mainstream school SEND inclusion capacity so staff are skilled, confident and able to educate and support more children with EHCPs. This realignment will be supported by the inclusive practices within Kent's Countywide Approach to Inclusive Education and will ensure a greater proportion of Kent's children and young people will be supported and achieve their full potential in mainstream schools close to their homes.

Kent has 24 special schools. These include 21 Local Authority maintained special schools, 1 special academy and 2 Free Schools. In 2023, 88% of Kent's special schools were graded as good or outstanding by Ofsted. There are 18 special schools that are all-through schools (primary and secondary aged). There are 15 special schools offering post-16 placements. For the academic year 2023/24 Kent has commissioned 5,968 places in Kent special schools, an increase of 473. Of the 5,968 places, 806 are places for post-16 pupils. The current total designated number across Kent special schools as of September 2022 was 5,483.

Kent also has 73 Specialist Resource Provisions attached to mainstream schools. Each provision has a designation for SEN and eight schools have more than one SRP or an SRP with multiple designations. A total of 1,430 SRP places, including 20 places for post-16 pupils, have been commissioned for September 2023, an increase of 55 places from September 2022.

Where we are unable to provide a specialist school placement in a Kent maintained special school or SRP, placements are commissioned in the independent and non-maintained sector. As of January 2023, 1,589 Kent, resident pupils had places funded in an independent non maintained school, a decrease of 92 places from January 2022 and representing 8.4% of all EHCPs; 714 of these independent placements were for a primary diagnosis of ASD and 559 for SEMH. To meet the need for specialist places across Kent, including meeting the needs in areas of population growth, a mixture of new special schools, expansions of existing schools and the establishment of satellites and SRPs will be commissioned across Kent. This plan will only reflect a proportion of our commissioning intentions at this stage as the full plan will need to be informed by the review of our continuum of SEND provision, reporting in the first half of 2024.

Figure 9d: EHCPs by establishment type January 2023 (0-25 year olds)

Type of Establishment	Number	Kent %	England %
Mainstream school including SRPs	6,439	34%	41%
Special school inc. independent.	7,577	40%	33.1%
Non-maintained early years	63	0.3%	0.6%
Further education	3,488	18.4%	14.7%
NEET	176	0.9%	2.3%
Educated elsewhere	718	3.8%	3.8%
Alternative provision/Pupil referral unit	4	0	0.7%
Other	460	2.4%	0.9%
Total	18,207		

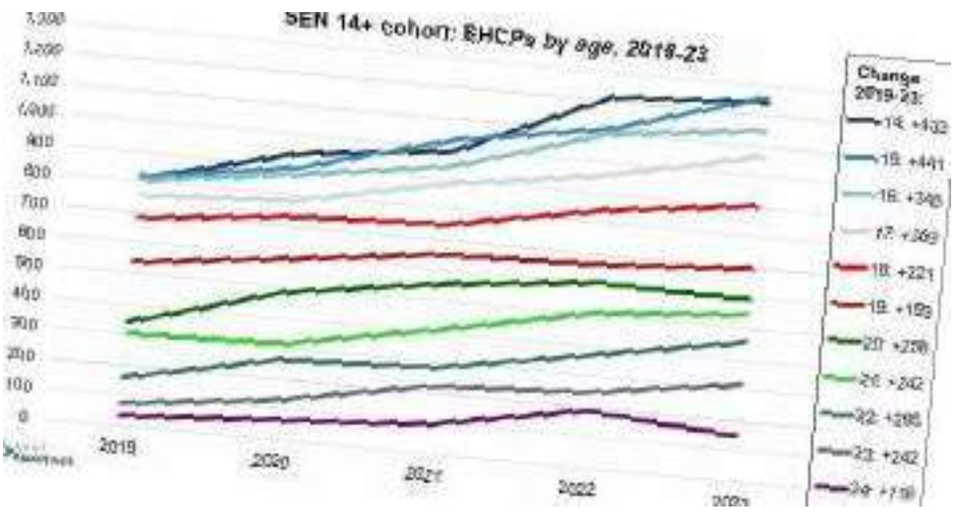
Source: https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans

9.8. Post 16 SEN provision

Most young people with SEND will complete their education alongside their peers by 18. However, some young people will require longer to complete and consolidate their education and training and the length of time will vary for each young person.

The Children and Families Act 2014 extended the special educational needs system to young people up to the age of 25. Consequently, since 2015 KCC has seen a large growth in the number of EHCPs for young people up to the age of 25. Figure 9e shows the growth by age from 2019 to 2023. There were 3,664 young people aged 18-24 with an EHCP in the 2022/23 academic year. This is an increase of 7.0% from 3,424 from in the previous academic year. The total number of EHCPs across all age groups increased by 6.8% for the same period.

Figure 9e: Growth in EHCP numbers by age 2019-2023

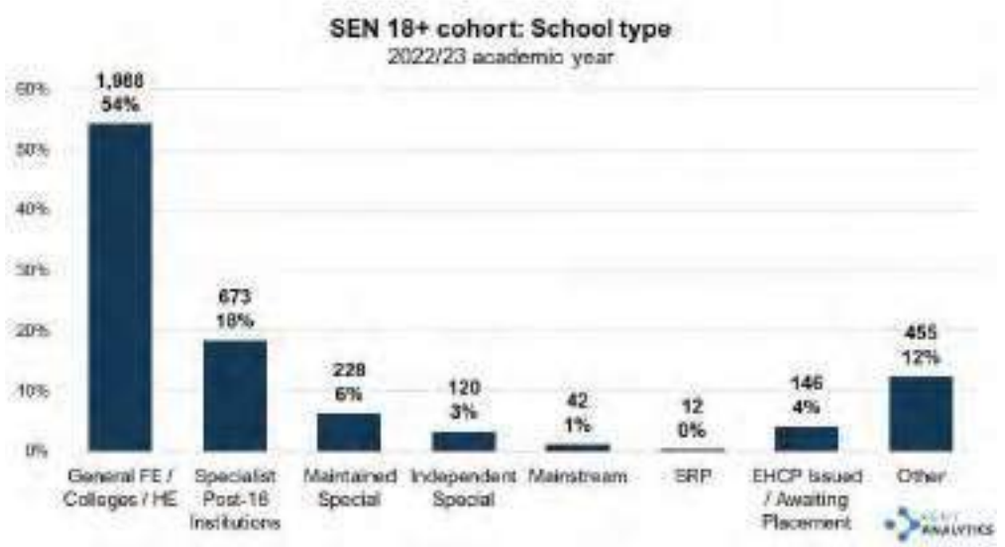


There has been an overall growth in EHCPs of 71% or 1,527 young people between 2019 and 2023, with SEMH remaining the SEND category with the largest growth for Post 16 at 144%. This is followed by Specific Learning Difficulties, which has increased by 127%, Speech, Language and Communication Needs and ASD, up 75%. Profound and Multiple Learning Difficulty is up 63%.

We know the number of young people wanting to remain in education is growing. However, planning post 16 SEND provision is complex. KCC continues its work to establish a robust evidence base to resolve any gaps in provision. Remaining at their secondary school for 6th Form is one of the choices that young people with SEND can make; 17 of Kent's maintained special schools have 6th form provisions.

Figure 9f shows where 18 to 25 year olds with an EHCP continued their education in the 2022-23 academic year. The largest proportion attended General Further Education (FE), college or Higher Education (HE), with smaller proportions at Specialist Post-16 Institutions (SPI), Maintained Special Schools/Academies or a Non-maintained/Independent Special School (NMISS).

Figure 9f: Where 18-25-year-olds with an ECHP were educated in the 2022/23



FE, college or HE remains the most common type of provision attended across all the age groups. In 2022/23, the proportion of young people attending these ranged from 38.2% among 18 year olds to 73.0% among those aged 24 years old. FE colleges provide a range of courses for post 16 to 25 SEND learners and are the most popular form of education for this group. However, due to a range of issues, FE colleges are not suitable in the first instance for many SEND learners and a proportion of learners drop out of college in the first semester.

SPIs provide an alternative to FE colleges offering more bespoke learning environments often for learners with additional or more complex needs. In recent years, we have seen an increase in the number of 18–25-year-olds attending an SPI, rising from 567 (17% of the total cohort) in 2022 to 673 (18% of the total cohort) in 2023. Of the SPIs in 2022, the majority have a contractual relationship with KCC. Growth in SPI provision to this point continues to be largely organic and provider led. To ensure we have full County coverage, we wish to work in partnership with prospective providers as there is the need for more targeted SPI provision in the County.

We continue to work with FE Colleges to ensure that we have good geographical coverage of the right courses at the right levels and that there are clear pathways and partnerships with alternate types of providers such as SPIs to meet the needs of learners with more complex needs or requiring a more bespoke package.

We expect that the number of EHCPs for young people over the age of 18 will continue to grow as the population bulge continues to work its way through secondary school and into Post 16, and without careful planning, demand could outstrip supply. In order to ensure sufficient quality Post 16 SEND provision, we will continue to build on our present work to develop a Post 16 to 19 SEND Strategy. We want to explore new ways of working, including potential collaborations between partner agencies and organisations, which are service intelligence and data-driven; so, we get the right provision in the right area to meet need.

9.9. Forecasts and Future Demands

The number of new EHCPs forecast is population driven. It is produced by calculating the rates of new 0–25 year-olds with an EHCP by key population age groups, based on the 2021 EHCP figures. These rates are applied to the Kent population forecast figures to estimate the number of new EHCPs for the next eight years and is adjusted to bring forecasts in line with targets agreed as part of the Safety Valve programme. Figure 9g shows the forecast for EHCPs (0-25 years)

Figure 9g EHCPs Forecast (0-25 year olds)

Age Group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Early Years	42	70	46	38	38	39	39	39	40	40
Years R-6	5,124	6,020	6,200	6,231	6,160	6,010	5,878	5,718	5,541	5,382
Years 7-11	5,314	6,164	6,801	7,414	7,971	8,312	8,506	8,600	8,693	8,742
Years12-13	1,825	2,055	2,219	2,446	2,625	2,863	3,192	3,454	3,605	3,657
Years 14+	2,976	3,424	3,664	3,720	3,373	3,156	2,975	3,062	3,253	3,478
Total	**15,281**	**17,733**	**18,930**	**19,850**	**20,167**	**20,380**	**20,591**	**20,874**	**21,131**	**21,299**
%Change		16.0%	6.8%	4.9%	1.6%	1.1%	1.0%	1.4%	1.2%	0.8%

The forecasts in need groups are profiled on the proportion within each group based on the new EHCPs recorded between 2020 and 2022. Figure 9h shows the EHCP forecast for each need group.

Figure 9h EHCP forecast by need type.

SEN Need type	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
ASD	6,519	7,511	8,007	8,300	8,325	8,315	8,311	8,334	8,351	8,337
SEMH	2,897	3,580	3,860	4,133	4,215	4,241	4,264	4,309	4,351	4,372
SLCN	2,390	2,904	3,259	3,544	3,764	3,964	4,169	4,384	4,579	4,752
MLD/SPLD	1,231	1,424	1,491	1,564	1,586	1,610	1,631	1,661	1,690	1,706
SLD/PMLD	1,313	1,312	1,311	1,284	1,240	1,202	1,155	1,122	1,087	1,052
Other	931	1,002	1,002	1,025	1,037	1,046	1,060	1,063	1,073	1,081
Total	**15,281**	**17,733**	**18,930**	**19,850**	**20,167**	**20,378**	**20,590**	**20,873**	**21,131**	**21,300**

9.10. Future Commissioning of Provision

Evidence for our commissioning intentions is set out within KCC's SEND Sufficiency. The Plan will inform changes and additional provision required from September 2024 and throughout the rest of the Plan period. Commissioning intentions for this Plan will be limited to new SEN schools and satellites where there is already a case based on population growth and current patterns of travel to special schools outside of the areas where children live.

Additional SRP's that have been committed to or form part of a new academy's funding agreement will also be included, as will the establishment of Kent's first (and first nationally) Primary Cullum Centre, delivered in partnership with the National Autistic Society, the Cullum Foundation and Canterbury Academy as this will form part of developing Kent's future approach to supporting children and young people with autism in mainstream education. We will also look to address evidenced gaps in SRP provision in secondary schools, particularly as the school age population growth is currently moving through the secondary and Post 16 age groups.

A total of 710 new special school places are forecast to be commissioned and 139 SRP places, some of which are already within the commissioning process. Additional SRP places may be commissioned following the completion of the SRP review which will identify need type and geographical gaps based on the role of SRPs within the provision of locality services for children and young people with SEND. Figure 9i and 9j identifies the number, need type and district of these places.

Figure 9i: Agreed and planned additional specialist provision across Kent Specialist Schools

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Special School (all through) - Whitstable	2026	PSCN/ ASD/ SEMH	Canterbury	120	0	0	48	28	44
Special School (All through) - Swanley	2026	PSCN	Sevenoaks	250	0	0	114	66	70
Isle of Sheppey (Secondary)	2024	SEMH with ASD	Swale	120	40	40	40	0	0
Expansion of Special school for SEMH with ASD to include Primary provision or a primary satellite.	2026	SEMH with ASD	Swale	40	0	0	10	10	20
1 x secondary Satellite of PSCN School	2024	PSCN	Swale	20	10	10	0	0	0
Special School Satellite – Isle of Sheppey	2024	ASD	Swale	60	12	12	12	12	12
Satellite of a PSCN School	2025	PSCN	Tonbridge and Malling	50	0	50	0	0	0
Satellite of a PSCN School	2026	PSCN	Tunbridge Wells	50	0	0	50	0	0
Total Special School places				**710**	**62**	**112**	**274**	**116**	**146**

Figure 9j: Agreed and planned additional Specialist Resource Provisions

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Cullum Centre	2024	ASD	Canterbury	9	3	6	0	0	0
Alkerden (Primary)	2026	ASD	Dartford	15	0	0	4	4	7
Alkerden (Secondary)	2026	ASD	Dartford	25	0	0	5	5	15
Expansion of Aspen SRP at Christchurch Academy	2024	PSCN	Dover	30	6	6	6	6	6
Folkestone Academy	2024	ASD	Folkestone & Hythe	30	6	6	6	6	6
Secondary SRP	2025	ASD	Thanet	30	0	5	5	5	15
Total SRP places				**139**	**15**	**23**	**26**	**26**	**49**

10. Commissioning Early Years Education and Childcare

10.1. Legislative Context and Free Entitlements

Early Education and Childcare is legislatively governed by the Childcare Acts of 2006 and 2016. These place a duty on all local authorities to improve outcomes for young children, to cut inequalities between them, to secure sufficient childcare, with adequate flexibility to allow parents to work via the following:

- 15 hours of early education for eligible two-year olds (the Two Year Old Entitlement, in Kent known as Free for Two)
- The Universal Entitlement of 15 hours for all three and four-year olds
- 30 Hours of Free Childcare (the Extended Entitlement) for the three and four-year olds of eligible parents.

In Spring 2023 the Chancellor announced government plans to extend 30 hours of childcare for parents working at least 16 hours a week at National Minimum Wage.
This will be phased in over the next couple of years as follows:

- From April 2024 – 15 hours per week for working parents of two-year olds
- From September 2024 – 15 hours per week for working parents of all children aged 9 months and above
- From September 2025 – 30 hours per week for working parents of all children aged 9 months and above

In addition, the Government announced that there will be £289m funding to support local authorities to work with schools and other providers to increase the supply of wraparound childcare, so that all parents of school-aged children can access childcare from 8am to 6pm if they need it.

10.2. Early Education and Childcare Provision in Kent

All free entitlement places can either be provided by Ofsted registered provision, schools where registration with Ofsted is not required or by schools registered with the DfE and inspected by the Independent Schools Inspectorate. In each case, the full Early Years Foundation Stage must be delivered. Places can be delivered over 38 weeks a year or, in line with provider ability and choice, stretched over up to 52 weeks.

Early Education and Childcare in Kent is available through a large, diverse and constantly shifting market of maintained, academies, private, voluntary and independent providers and childminders, all of which operate as individual businesses and are therefore subject to market forces. Currently in Kent the market operates as follows:

- Private providers, **411** offering **30,382** childcare places for 0-4 year olds
- Voluntary providers, **176** offering **7,853** childcare places for 0-4 year olds
- Independent schools, **40** offering **1,837** childcare places for 0-4 year olds
- Childminders, **860** offering **4,300** childcare places for 0-4 year olds
- Maintained provision, **29** maintained nursery classes and one maintained nursery school offering a total of **1,413** childcare places for 0-4 year olds
- Academies, **63** academies offering a total of **2,741** childcare places for 0-4 year olds
- FE colleges, **4** providers offering a total of **527** childcare places for 0-4 year olds
- Standalone Out of School Care: In total there are **129** stand-alone providers. Of those **49** offer breakfast clubs, **80** offer after school clubs and **76** run holiday playschemes.

The LA (in Kent as commissioned through The Education People) is required to work with providers in making available a sufficient range of flexible provision, in the right geographical areas, at the right times and offering the right sessions to fit with both standard and atypical working patterns.

10.3. Childcare Sufficiency Assessment

The annual Childcare Sufficiency Assessment (CSA) shows the supply of, and demand for, early years and childcare provision across the County, including where there might be over supply and particularly a deficit in provision. The Education People's Early Years and Childcare Service works with providers and potential providers to encourage the establishment of additional provision where it is required.

The CSA for the 2023/2024 academic year is based on the supply and demand for childcare in the Summer Term 2023 when demand for the take up and supply of childcare is greatest.

10.4. Sufficiency of Childcare Places for Children Aged 0-4 Years Old

Traditionally, the assessment of sufficiency is calculated by comparing the total available childcare supply of places with the forecast number of eligible children in each age group living within in each planning group and district.

Figure 10a: 0-4 Year Old Childcare Sufficiency Assessment (Summer Term 2023/2024 Academic Year)

District	0-4 Year Old Population	0-4 Year Olds Requiring a Childcare Place	0-4 Year Old Childcare Places	Surplus/ Deficit of Places
Ashford	6,875	3,966	3,790	-176
Canterbury	6,274	3,592	3,646	54
Dartford	7,637	3,981	5,190	1,209
Dover	5,165	2,909	2,752	-157
Folkestone & Hythe	4,630	2,596	3,146	550
Gravesham	6,188	3,252	3,121	-131
Maidstone	9,690	5,656	5,848	192
Sevenoaks	6,060	3,337	3,633	296
Swale	8,006	4,588	5,054	466
Thanet	6,486	3,619	4,116	497
Tonbridge & Malling	6,757	3,983	4,093	110
Tunbridge Wells	5,508	3,321	4,634	1,313
Total	**79,276**	**44,800**	**49,023**	**4,223**

In relation to the new entitlements, the DfE has provided KCC with early analysis of the demand for early years places and the number of schools recorded as currently supplying wraparound childcare on schools' sites. The early years data is based on GP registration information and is intended as a starting point to help KCC understand the local eligible population. Figure 10b below models the anticipated increased demand for two year old places from April 2024.

Figure 10b: Forecast Model of Demand for Two Year Old Places

District	2 Year Old Population	2 Year Olds Requiring Childcare (Modelled)	2 Year Old Childcare Places Available (Modelled)	Surplus/Deficit of 2 Year Old Childcare Places (Modelled)
Ashford	1,504	975	969	-6
Canterbury	1,343	876	913	37
Dartford	1,644	1,056	1,194	138
Dover	1,115	700	609	-91
Folkestone & Hythe	985	622	773	151
Gravesham	1,334	841	690	-151
Maidstone	2,071	1,374	1,339	-35
Sevenoaks	1,291	887	895	8
Swale	1,683	1,058	1,132	74
Thanet	1,399	850	879	29
Tonbridge & Malling	1,471	1,007	1,045	38
Tunbridge Wells	1,202	831	1,206	375
Total	**17,042**	**11,077**	**11,644**	**567**

10.5. Sufficiency Estimates by Planning Area

Sufficiency rates have been calculated using primary planning areas. Where some primary planning areas indicate a deficit of 0-4 childcare places, consideration must be given to the fact that neighbouring planning areas may have a surplus of places and children may be travelling to access settings in adjacent areas based on parental preferences or travel to work patterns. Equally, where planning areas have more provision than children, children will be drawn from other areas to access these settings.

The percentage of funded three and four year olds accessing a setting within the planning area in which they live can be used to interpret the deficit in each planning area along with qualitative analysis to understand whether the variation in local take up rates is driven by a preference for particular providers, commuting patterns or a lack of places in the local area.

10.6. Future Planning

Supporting the sufficiency, sustainability and quality of early years and childcare provision remains crucial in the aim to ensure a long term, sufficient supply of places.

The supply of Free Entitlement places for two, three and four year olds will be kept under review as planned new housing developments are built and potentially increase the demand for places. Where housing developments are proposed in school planning areas where there is an indicative deficit of places or where the size of a development means that it will require new provision; KCC will engage in discussions with developers to either seek funding to provide nursery provision which may include securing community rental or leasehold accommodation availability for private, voluntary or independent sector providers of 0-4 year old childcare.

When a new school is delivered according to the ESFA Baseline Design, a nursery space is now included in the design. As new schools are planned, KCC will work with the sponsor to identify early years provision and the most appropriate way to deliver this.

11. Post-16 Education and Training in Kent

The KCC review of 16-19 education, Pathways for All is now in its implementation phase. A strategic board, consisting of representatives from parts of the sector, has been appointed and groups have been established to drive forward the recommendations. The groups' have identified the following priorities to address the recommendations:

- Improve outcomes through establishing a comprehensive benchmarking programme.
- Raise young people's aspirations through promoting a life skills [and] a model CEIAG curriculum.
- Implement an "Area Offer" of 16+ provision
- Enhance provision below Level 2
- Improve early support for students with mental health challenges
- Improve access to post-16 provision by prioritising travel support to those who most need it
- Learn from Lockdown

The groups are at different stages and new strands of work are likely to be adopted as the Kent context changes. The main overarching focus for the medium term is to develop the board into the forum that promotes collaboration and becomes the strategic leadership for the county. This is in line with government policy of developing a provider-led system. There is a recognition that there are gaps opening for lower achieving and vulnerable learners across the county and that the sector will need to come together to meet this need.

The low-level offer for learners outside of school and colleges is in a concerning situation. Overall numbers of places have risen very slightly (1,101 in 21/22 1,106 in 22/23), but this was due to European funding (ESF) that ended in March 2023 and some short-term funding from KCC's Reconnect programme. The ESF funded provision supported over 500 young people over the life of the programme. The number of providers offering this provision has fallen from 24 to 20. We are also aware of some provisions that will not be running from September 2023 due to tutor shortages or training providers becoming insolvent. This represents an immediate loss of 186 places in addition to the loss of short term KCC and Government funding. In total, it is likely that the county will lose over 500 places for vulnerable learners, which is effectively a market failure.

The Shared Prosperity Fund could fill some of this, but the government initially stated that this could not be used for skills work until 2024. This restriction was removed earlier this year, but by that time, the district councils had already allocated their funding. We have been working with the funding team at the DFE (previously the ESFA) and have had a "Gaps Case" accepted. So far, despite the acceptance of our case, response from the DFE has been slow.

National post-16 qualification reform is ongoing. The roll out of T- levels continues with all colleges and a small number of schools offering them from September 2023. The defunding of BTECs that overlap with A levels and T-levels will commence in 2024. The deadline for exam boards to submit their applications to offer the new additional academic qualifications (AAQs) has just passed and we await the results. There has been a lot of criticism of the reform process, most notably from the Parliamentary Education Select Committee. While positive about the qualifications themselves, they have expressed concerns regarding sourcing the compulsory placements that form a key part of the qualification and that T-levels suit urban areas more than rural ones. They are also concerned that the defunding of BTECs will leave many students without a viable post-16 offer. One positive for Kent is that there is a commitment to retaining the International Baccalaureate diploma and careers programme. Level 2 qualifications are also undergoing reform, but we do not know the full details of this yet.

12. Appendices

12.1. Forecasting Methodology Summary

To inform the process of forecasting Primary school pupil numbers, KCC receives information from the Kent Primary Care Agency to track the number of births and location of Pre-school age children. The Pre-school age population is forecast into Primary school rolls according to trend-based intake patterns by ward area. Secondary school forecasts are calculated by projecting forward the Year 6 cohort, also according to trend-based intake patterns. If the size of the Year 6 cohort is forecast to rise, the projected Year 7 cohort size at Secondary schools will also be forecast to rise.

It is recognised that past trends are not always an indication of the future. However, for the Secondary phase, travel to school patterns are firmly established, parental preference is arguably more constant than in the Primary phase and large numbers of pupils are drawn from a wide area. Consequently, forecasts have been found to be accurate.

Pupil forecasts are compared with school capacities to give the projected surplus or deficit of places in each area. It is important to note that where a deficit is identified within the next few years work will already be underway to address the situation.

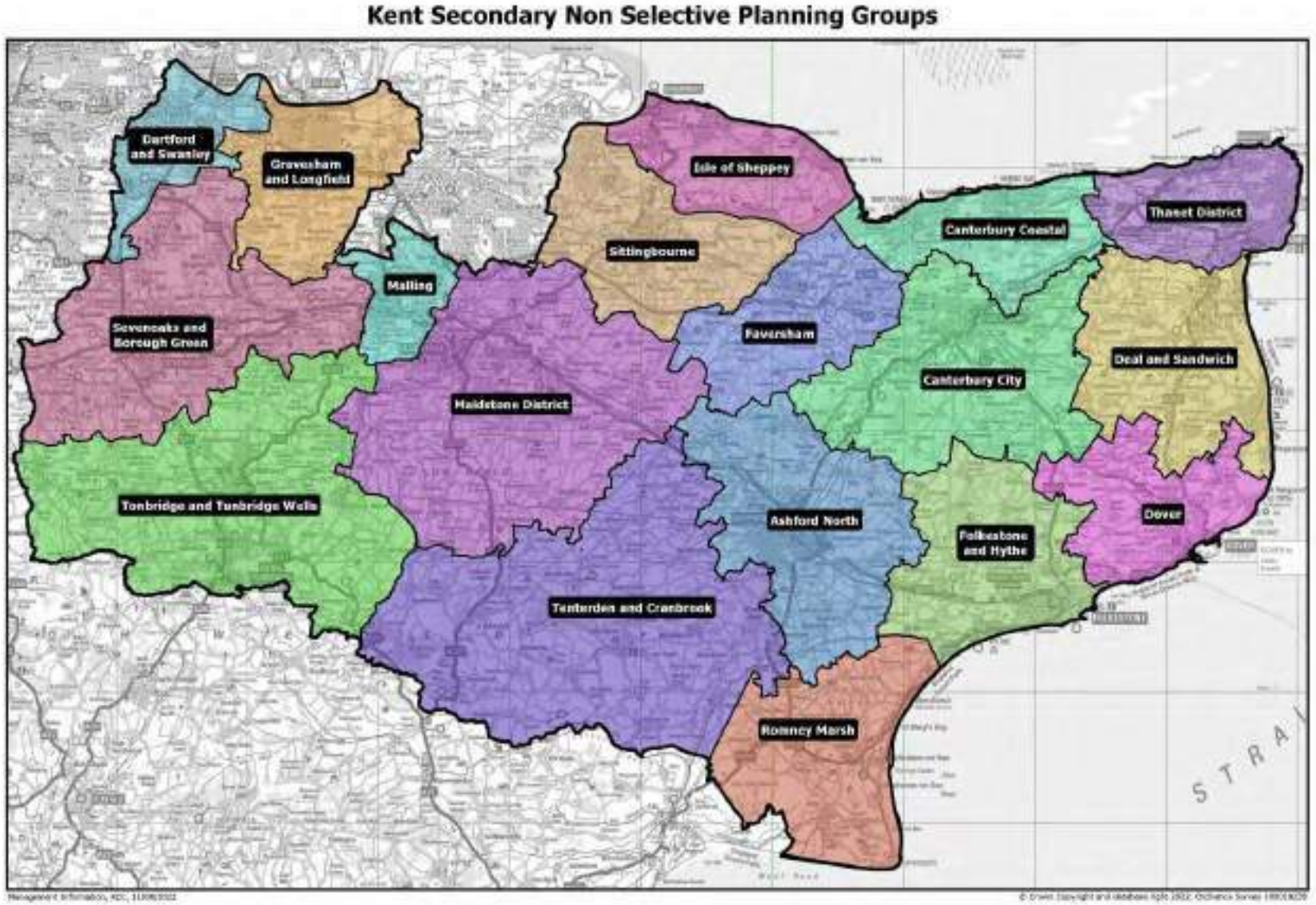
The forecasting process is trend-based, which means that relative popularity, intake patterns, and inward migration factors from the previous five years are assumed to continue throughout the forecasting period. Migration factors will reflect the trend-based level of house building in an area over the previous five years, but also the general level of in and out migration, including movements into and out of existing housing. An area that has a large positive migration factor may be due to recent large-scale housebuilding, and an area with a large negative migration factor may reflect a net out-migration of families. These migration factors are calculated at Pre-school level by ward area and also at school level for transition between year groups, as the forecasts are progressed.

Information about expected levels of new housing, through the yearly Housing Information Audits (HIA) and Local Development Framework (LDF) Core Strategies is the most accurate reflection of short, medium and long term building projects at the local level. Where a large development is expected, compared with little or no previous house building in the area, a manual adjustment to the forecasts may be required to reflect the likely growth in pupil numbers more accurately.

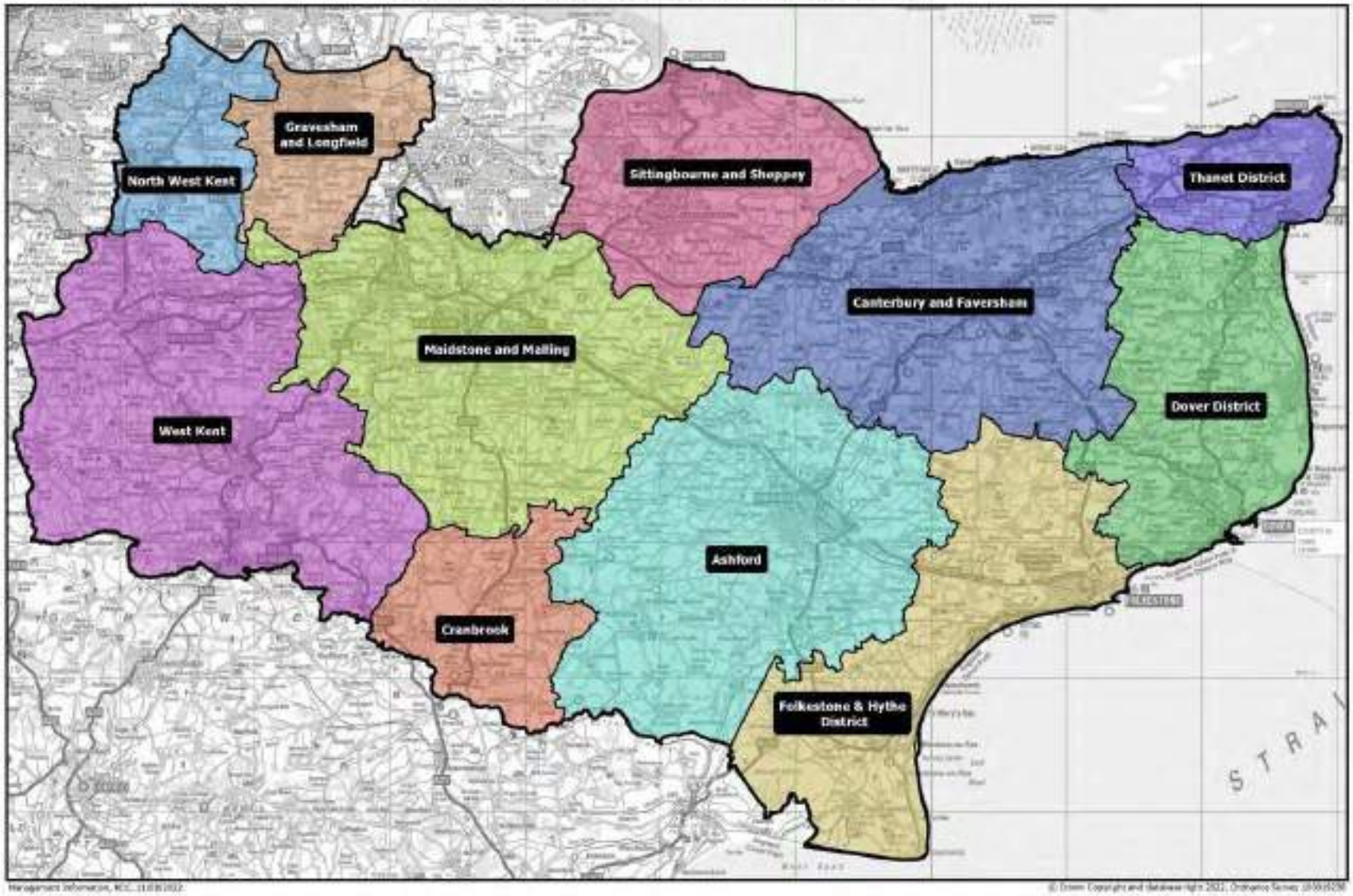
Pupil product rates (the expected number of pupils from new housebuilding) are informed by the MORI New Build Survey 2005. KCC has developed a system that combines these new-build pupil product rates (PPRs) with the stock housing PPR of the local area to model the impact of new housing developments together with changing local demographics over time. This information is shared with district authorities to inform longer term requirements for education infrastructure and the Community Infrastructure Levy (CIL) discussions at an early stage.

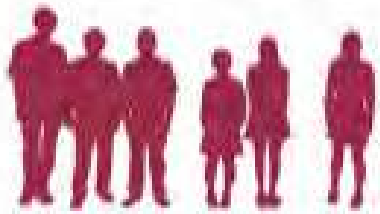
Forecasting future demand for school places can never be completely precise given the broad assumptions which have to be made about movements in and out of any given locality, the pace of individual housing developments, patterns of occupation and not least parental preferences for places at individual schools. This will be a function of geography, school reputation, past and present achievement levels and the availability of alternative provision.

12.2. Secondary Planning Group Maps



Kent Secondary Selective Planning Groups





Commissioning Plan for Education Provision in Kent 2024 - 2028

Highways and Transportation
Kroner House
Eurogate Business Park
Ashford
TN24 8XU
Tel: 03000 418181
Date: 8 March 2024
Our Ref: AC

Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Application - GB/20221064

Location - Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, , Gravesend, ,

Proposal - Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

Thank you for your re-consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The below is provided in response to the submitted Technical Note 'Northfleet Harbourside Kent County Council Highway Consultee Comments Review 226728/N23 23rd February 2024' and follows two previous Kent County Council (KCC) corporate responses to the Application, dated 10th Feb 2023 and 23rd Nov 2023.

The Fastrack only link onto Grove Road is welcome as this will reduce journey times for the buses, increasing the attractiveness of the service. The Applicant is aware that Grove Road will be the main access to/from the adjacent Northfleet West site, which has a planning condition to improve the route. Whilst a design is yet to be approved, it is likely to include a 6.75m carriageway and 3m shared pedestrian /cycle route along the western side. The two schemes will need to be aligned as they progress.

The amendments to the Stonebridge Road / Grove Road junction including the addition of the right turn bay are acceptable.

All site access plans listed under 'Conditions and S106 Contributions' below, are now considered to be acceptable at this Outline Application stage. Further revisions may need to be made during appropriate Reserved Matters Application stages in order to accommodate further detail where required e.g. the area outside the Golden Grill needs to be improved as part of the new priority junction with Grove Road, and consideration needs to be given as to how cyclists are discharged to/from the carriageway at all applicable junctions.

As discussed previously, the cycle route on the western side of Thames Way which meets the link to PROW NU2 south of the railway bridge (shown on 226728/PD101 Rev A) will need to tie into the Ebbsfleet Central proposals, should that Application be permitted and their infrastructure comes forward first.

The updated vehicle tracking is acceptable.

In line with the Stage One Road Safety Audit, the position of the two bus stops along the A226 Galley Hill Road, north of Taunton Road, will need to be reviewed and the stops may need to be relocated. This can be undertaken at the Reserved Matters Application Stage.

Confirmation that approximately 400 parking spaces are likely to be allocated to the football stadium on match days is welcome. This provision is generally in line with the existing provision at Ebbsfleet International Station where spectators are currently directed to park. Further information should be provided in a Full Car Park Management Plan, which should be conditioned to any permission granted.

Confirmation that cycle parking for the residential use will be provided as one cycle space per bedroom, is welcomed.

Internal routes to be adopted must be constructed in line with the Kent Design Guide (KDG) unless otherwise agreed by KCC. Private areas should also be constructed to KDG standards.

The KCC Public Rights of Way (PROW) team have been consulted separately and therefore I have no further comment on the PROW element.

Note that any retaining features / structures within 3.66m of, or oversailing the public highway will need structures technical approval and an oversailing license (where relevant). This can be discussed at the Reserved Matters Application Stage.

Areas of land to be stopped up will need a Stopping Up Order and will be at the Applicant's expense. Note this process can take 12 months and is not guaranteed to be successful.
A Section 278 Agreement will be required prior to any work being undertaken on the adoptable highway.

Conclusion
Having considered the additional information submitted and the development's effect on the highway network, I raise no further objection to the proposed development on highway grounds subject to the below Conditions and S106 Contributions being secured.

Conditions and S106 Contributions
Provision and permanent retention of 950 vehicle parking spaces for the non-residential uses and 0.5 vehicle parking spaces per residential unit, as a minimum, to be brought into use prior to occupation of the associated use. Appropriate parking provision for disabled users, vans, motorbikes and sservicing/deliveryvehicles will be required.

Provision and permanent retention of one cycle parking space per bedroom for the residential use. Provision for the non-residential uses and visitor parking to be provided in line with relevant standards at the time of the associated Reserved Matters Application. This should include provision for adapted bikes. Showers, lockers and changing facilities must be provided for larger non-residential uses.

Electric vehicle charging facilities to be provided in line with the relevant Building Regulations. Chargers should be a minimum of 7kw output and SMART (enabling Wifi connection). Passive provision should include ducting and cabling.

Best endeavours to introduce Traffic Regulation Orders on all roads that are to be adopted, upon adoption of the road, to prevent on-street parking outside of designated bays. The cost of preparing and implementing the TRO's will be at the Applicants expense. Private parking enforcement will be required from opening of the road until adoption takes place. Private parking enforcement is required for all non-adopted roads (outside of dedicated bays), to be implemented upon opening of the associated road.

Completion of the off-site infrastructure shown on the plans listed below (or amended plans approved by KCC under future Reserved Matters Applications), prior to occupation of the site, or in line with an approved Phasing and Implementation Plan.

- 226728/PD100 Rev D 'Site Access Plans'
- 226728/PD101 Rev A 'Site Access Plans Junction 1'
- 226728/PD103 Rev B 'Site Access Plans Junction 2'
- 226728/PD104 Rev A 'Site Access Plans Junction 3 & 4'
- 226728/PD105 Rev A 'Site Access Plans Junction 5 & 6'
- 226728/PD106 Rev E 'Site Access Plans Junction 7, 8 & 9'
- 226728/PD107 Rev B 'Site Access Plans Junction 10 & 11'
- 226728/PD102 Rev - 'Site Access Plans Roundabout'

Visibility splays shown on the above plans (or amended plans approved by KCC under future Reserved Matters Applications), shall be implemented upon first use of the associated new junction layout, kept clear of obstructions over 600mm in height (measured from footway level) and maintained as such at all times.

Provision and permanent retention of a 15.25m (minimum) Fastrack, walking and cycling corridor to be provided through the site starting immediately east of the western residential access into the Harbourside Neighbourhood and terminating at a new junction with Grove Road, prior to first occupation or in line with an approved Phasing and Implementation Plan. This will include a 6.75m (minimum) Fastrack only carriageway, a 3.0m shared use footway / cycleway on one side of the carriageway and a 3m cycle route and 2m footway on the other side of the carriageway, plus a 0.5m (minimum) demarcated buffer, although this should ideally be a minimum of 1m to sustain vegetation growth. Fastrack should have priority at junctions.

A financial contribution of £42,000 for 2x Fastrack bus shelters within the site (£21,000 each), prior to commencement of the Fastrack service. Exact Fastrack bus stop locations to be agreed with KCC during Reserved Matters Applications.

A financial contribution of £214,000 for ANPR bus lane enforcement of the Fastrack route (or other method agreed by KCC), three months prior to commencement of the Fastrack service. This figure is based on the proposed route which may require four independent ANPR columns (one either end of the route and two at the crossroads with the residential access). Additional contributions may be required if further internal junctions are located on the Fastrack route.

An annual Thameside (Fastrack) bus ticket to be offered to each resident upon first occupation of each dwelling, and each member of staff employed at the non-residential uses upon offer and acceptance of employment. The tickets should be well advertised to encourage take-up. Alternatively, the equivalent monetary value of the ticket at the time of offering may be distributed in the form of KCC's Mobility as a Service (MaaS) credits, if this is available at the time.

Existing bus stops on the A226 Stonebridge Road, outside the existing stadium, to be re-provided along the diverted route.

Existing bus stops on the A226 Galley Hill Road (north of Taunton Road), to be re-provided in line with the future junction layout of the existing Galley Hill Road / Lower Road junction, and Road Safety Audit.

Submission and approval of a Site Wide Travel Plan, prior to occupation, and being in line with the Framework. A Site Wide Travel Plan Coordinator (TPC) must be appointed prior to first occupation. Site Wide Travel Plan monitoring including vehicle monitoring at all vehicle access points, numbers of pedestrians, cyclists and public transport users, to be undertaken annually for the life of the Travel Plan (first occupation to five years post full build out), with the TPC producing the results in an annual Travel Plan monitoring report. Vehicle targets must be based on the predicted traffic generation of the site, as that is what has been assessed.

A KCC Travel Plan monitoring fee of £1422 for every five-year period is required and should be paid to KCC at the start of each five-year monitoring period.

Individual Occupier Travel Plans are required prior to occupation of their associated use and should be based on the Site Wide Travel Plan.

The Applicant / TPC must establish a Transport Review Group (TRG) prior to the first monitoring period, which shall meet on an annual basis, ceasing five years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC and c) Gravesham Borough Council and will be chaired by the TPC. As a minimum the TRG will discuss / undertake the following duties:

(a) progress at the site of terms of build out
(b) transport related issues including any complaints received
(c) review and agree the TPC's proposed methodology for, and review the results of the Travel Plan monitoring surveys, and
(d) agree the implementation of additional remedial measures, should the targets be exceeded.

A Travel Plan Toolkit fund of £50,000 to be secured prior to occupation of the 50th dwelling, plus a contribution of £300 per occupied dwelling at the end of each annual monitoring period. Funds to be held by the Applicant (with evidence presented to the TRG) and are to be used for the implementation of remedial measures in the event that the vehicle trips exceed the vehicle trip generation targets. Remedial measures to be decided by the TRG.

A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well publicised and offered to residents upon occupation.

A financial contribution of £75,000 for improvements to walking and cycling routes in the surrounding local areas, prior to first occupation. Specific measures to be determined by KCC upon receipt of the funding, but in line with the Walking and Cycling audit, could include such things as rest areas with shelters, planting and street furniture, vegetation clearance, litter

clearance, signage/ way finding, street lighting and CCTV. Alternatively, the funds could be re-allocated to KCC's Green Corridor's project for walking and cycling schemes within local proximity of the site.

A Mobility Hub to be provided at a central location within the site, upon occupation of the 50th dwelling or the opening first non-residential use, or in line with an agreed Phasing and Implementation Plan. The hub should contain such things as: electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, bike hire, bicycle stands and lockers, bicycle repair stand, bicycle pump, an information terminal, cargo bike share and secure parcel lockers.

Establishment of a car club and minimum provision of one car club car, upon occupation, increasing to a minimum of three cars over the construction period (exact number to be determined through Reserved Matters Applications). Each residential unit should be offered one year's free membership to the car club and £50 driving credit to encourage take-up. Use should be monitored through the Travel Plan and TRG.

Submission and approval of a Construction Management Plan, prior to commencement which is developed in line with the Framework and as a minimum, includes the below. Given the timescale of the build out, the CMP should be updated at the request of KCC but no more than once per year.

(a) a plan showing the typical site layout including holding areas, adequate visibility, adequate space for loading / unloading, routing of construction and delivery vehicles to/from the site, parking and turning areas
(b) construction programme including demolition and building phases
(c) trip generation for each phase
(d) details of any abnormal loads
(e) on site facilities for construction workers such as WC, café
(f) confirmation as to whether there is planned use of the river and subsequent details
(g) delivery scheduling-/- timing of deliveries
(h) monitoring methodology for all construction related vehicles to/from the site
(i) provision of wheel washing facilities
(j) any temporary traffic management/ signage
(k) site operating hours
(l) reference to any behavioural and organisational measures being implemented (reduce, rethink, retime, reroute, remodel)
(m) provision of measures to prevent the discharge of surface water onto the highway.
(n) consideration of other major development sites that may be under construction at the same time including Ebbsfleet Central, Lower Thames Crossing, Eastern Quarry and Northfleet West, and
(o) A Construction Worker Travel Plan.

Submission and approval of a Parking Management Plan (PMP), prior to first occupation, which is developed in line with the Framework and as a minimum, includes the below. Given the timescale of the build out, the PMP should be updated at the request of KCC but no more than once per year.

(a) parking provision for each land use, including number and location of standard bays, visitor bays, disabled bays, motorcycle bays, car club bays and service & delivery bays
(b) number, location and type of electric vehicle charging facilities
(c) details of parking restrictions to be implemented including Traffic Regulation Orders
(d) details of parking management and enforcement
(e) details of any barrier controls

(f) details of provision for each phase, and
(g) details of any permit and / or allocated parking system to be implemented.

Submission and approval of a Service and Delivery Plan (S&DP), prior to first occupation, which is developed in line with the Framework and as a minimum, includes the below. Given the timescale of the build out, the S&DP should be updated at the request of KCC but no more than once per year.

(a) details of routing to/from relevant units
(b) location of bin stores and loading / delivery bays
(c) details of any parking or access restrictions
(d) timing and number of deliveries predicted per day/week
(e) details of any on site management
(f) details of any measures implemented to reduce the number of trips e.g consolidatio, and
(g) details of any monitoring and enforcement.

Submission and approval of a Phasing and Implementation Plan (PIP), prior to the approval of the first Reserved Matters Application, detailing (as a minimum):

(a) development proposed for each parcel and phase
(b) the timescales for delivery of each parcel, phase and highway infrastructure for all modes (including the mobility hub), ensuring pedestrian, cycle and public transport facilities to/from buildings / phases are open for use upon occupation of their associated use
(c) Details of emergency and / or secondary vehicle access points to be delivered in line with the Kent Design Guide (emergency access prior to the occupation of the 50th dwelling and secondary access prior to the occupation of the 300th dwelling, and
(d) Confirmation that access to existing uses that are to remain, is available at all times, unless otherwise agreed with KCC and the land owner of the exiting use.

The Stadium must operate within a maximum capacity of 75% (6,000 spectators) and events as per the extant permission (20150081), until such time, based upon the submission of supplementary evidence and / or assessments, including the provision of any necessary mitigation, that occupation of the full capacity (8,000 spectators) can be agreed by KCC. It is understood that this Application would supersede the extant permission.

Submission and approval of an Events Management Plan to be submitted to and agreed by the LPA, prior to occupation of the stadium.

Key internal junctions (to be agreed with KCC) to be modelled at Reserved Matters Application stage to ensure they can accommodate predicted demand and appropriately cater for all modes, where required.

In line with the Transport Assessment Addendum, the retail units will be no larger than 560sqm and cannot therefore be brought forward as a supermarket.

Costs should be index linked.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a

given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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